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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

THIRD SESSION OF THE *EIGHTEENTH PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*
APPOINTED TO MEET 31 MAY, 1859, AND FROM THENCE CONTINUED TILL 5 FEBRUARY, 1861, IN THE TWENTY-FOURTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH AND LAST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, June 28, 1861.

MINUTES.] PUBLIC BILLS.—2ª Courts of Justice Building; Piers and Harbours.
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DEATH OF THE SULTAN OF TURKEY.

OBSERVATIONS.

VISCOUNT STRATFORD DE REDCLIFFE said, that seeing on the bench below him his noble Friend who represented the Foreign Department in that House (Lord Wodehouse), he wished to take the opportunity of asking a question with respect to the recent important event which had occurred at Constantinople. The death of one Sultan and the accession of another were occurrences which could not fail to attract their Lordships' attention, and to interest them by their bearing on the policy which they had reason to expect from the new ruler. These events had occurred at a crisis of considerable moment, to which the attention of this country, in common with the other Powers of Europe, might well be directed. Whatever might be the circumstances to which they must look forward—whether satisfactory or not—whether progressive or reactionary—still very great interests, both of this country and of Europe, were involved in them; and he thought it right that the earliest opportunity should be taken, at least to draw the attention of Parliament to such important subjects. He ventured to do so, not at all in the spirit of any want of confidence in Her Majesty's Government, but for the purpose of calling the attention of the country and of Parliament to a subject which involved interests of vast importance. The history of Turkey during the last two reigns had presented features of great interest, not only to Turkey but to Europe. The reforms so necessary for the Empire were commenced by Sultan Mahmoud. That Sultan showed great qualities of courage and perseverance in adopting those reforms for the benefit of his country which anterior circumstances showed to be desirable. He had the good fortune—if it might be so called—to put down that body of Janissaries who interfered with the interests and good government of the country. He put them down with a hand red with blood, and with a sanguinary determination; but, perhaps, as in other instances in ancient and modern times, it was an act of necessary severity. He also laid the foundation of great reforms in religion; and, in general, his reign was marked by the recovery of that Imperial power so necessary for the administration of affairs in Turkey. But, at the same time, he was unfortunate enough to have to make great sacrifices of territory to a neighbouring Power; he had the misfortune to lose a great portion of his navy, and in that branch of the service under his reign there was a great diminution of the power of the Ottoman Empire. He was compelled by circumstances to admit the establishment of the monarchy of Greece, and he was obliged also to leave Egypt in the possession of a rebellious subject. Carrying on their view to the next reign, it was but just to the late Sultan, Abdul Medjid, to say that, notwithstanding the faults which he was free to say marked his character, instead of losing territory, he recovered part of that which his father had lost; that he carried out that great system of reforms which his father had begun; and that, in general, he showed a protecting and benevolent spirit towards all the subjects of his Empire and particularly towards the Christians; he placed the Protestants of the Empire on the footing of the old established religious communities in his dominions, and he proclaimed unlimited liberty of conscience in religious matters throughout the whole extent of his empire. Many other things he did in a similar spirit; for instance, he abolished torture, and other salutary and humane measures were adopted under his reign—all certainly calculated to soften the impression which might be entertained by those who knew only the less brilliant parts of his character, which he must admit had certainly affected the state of affairs in Turkey. In looking to the character of the present, who, he presumed from unofficial reports, was the brother of the late Sultan, and according to the Oriental custom his heir, it was, of course, of great interest to know how far the policy of the country might be affected by the change. In an arbitrary system of Government the personal character of the Sovereign was of course of great importance. For himself he had no personal knowledge of the present Sultan, as it would have been a great breach of prudence on the part of a foreign representative, especially of the representative of this country, to have interfered in any way during the lifetime of the late Sultan with that system of reserve and retirement to which all the Princes of the Imperial family were subjected. If we were to listen, however, to public report we might perhaps be led to entertain some anxiety on the subject. The new Sultan had been represented as a man of decided and also of a rather violent character; and he was supposed to be surrounded by persons who would willingly see a reactionary system adopted. At the same time it would be well, in entering on this new reign, if foreign Powers, more especially Her Majesty's Government, were to give him credit for good intentions, and to encourage him if he were disposed rather to carry out the system which had been adopted for some time in Turkey than to place himself at the head of a reactionary party, which would not only prove injurious to him and what remained of his empire, but would also put him at variance with those friendly Powers whose assistance in time of need would be of such importance to him. At the same time, no better moment could be chosen for giving, in a friendly tone and with that moderation which the circumstances demanded, advice which might assist in keeping him steady to those good purposes if he entertained them, or might lead him to a more salutary frame of mind if that were not the case. And it appeared to him that from no quarter could that advice proceed so well as from Her Majesty's Government, acting as it did with other Powers of Europe, who had pledged themselves to maintain, so long as was possible, the independence and integrity of the Turkish Empire, and being at the same time free from any of those suspicions which might attach to the policy of those Powers, who, being neighbours of Turkey, might be supposed to be actuated by interested motives—he said that under these circumstances advice proceeding from the British Government was more likely to recommend itself to the new Sultan's mind than advice proceeding from any other quarter. As he had already said, a change of Sovereigns in Turkey was an event which might very seriously affect the future state of the empire, and, consequently, its relations with this country; and it was in this spirit that he had risen to put his Question to his noble Friend which he was sure he would answer without difficulty. It was of great consequence that the new Sovereign of the Turkish Empire should be led to believe and to understand that this great country took a real and systematic interest in maintaining his power in so far as it was wielded for good purposes. Not only had we an interest in a general point of view in leading the Sultan's mind to a right course of policy, but we were under obligations to Turkey, which, if we were called on to carry them out, must have the effect of entailing great sacrifices upon us, and put us in a position of great anxiety and danger. Without the policy which it was so desirable to recommend to the Sultan, it was impossible, in his humble opinion, that we could escape from those dangers. It was only by taking up the subject in time, and by pressing upon the Sultan those reforms which had been recommended for so many years, which the Sovereign of Turkey himself had adopted, and which he had proclaimed and recorded in public documents, that we could stave off and avoid these dangers. In the present state of Europe and in the uncertainties which prevailed as to the feeling of other Powers which were interested in that part of the world, and which were likely to be called into activity if England did not at once take a decided line—if England did not take up a proper attitude and show herself prepared to carry out her engagements, and to stand by that empire, her responsibility would be great and she would have to repent of her negligence. He trusted he was not trespassing too much upon the House, but it must be remembered that he had himself been a personal witness of all that had taken place in that country for many years, and without pretending to any superior judgment his personal experience must necessarily give him a stronger impression on these subjects than would be entertained by those who had only viewed the matter at a distance. He did not pretend to enter into the general question of the policy of this country, as to how far in other respects it might be necessary to act with regard to Turkey; but he saw in the strongest point of view the dangers to which we were exposed by any degree of neglect in this country, and that it was the bounden duty of the Government to consider this question in all its bearings, and to do everything in their power, consistent with the interests of the country in other respects, to give effect to those improvements which had been so often discussed, and towards which many important steps had been taken. We had engaged to maintain the integrity and independence of the Turkish Empire, and it was not only the right but the bounden duty of our Government to call upon the Government of Turkey to carry into practical and early effect those reforms which had been adopted and proclaimed throughout the Sultan's dominions, and to the value of which he had heard the strongest testimony given by some of the late Sultan's Ministers. Any neglect on the part of Her Majesty's Government must necessarily carry with it a heavy responsibility, not only on their own consciences but towards the country at large. He wished to ask his noble Friend whether the Government had received any official intelligence or announcement of the accession of the Sultan Abdul Aziz to his brother's throne, and whether any indication had been given of the line of policy which might be expected to be followed under the new reign? There was another point which he wished to mention before sitting down. According to the invariable custom and policy of Constantinople the present Sultan had, during his brother's lifetime, been completely at his brother's mercy; and so the children of the late Sultan would, in like manner, be entirely at the disposal of the reigning Sovereign. He hoped that the present Sovereign, having experienced the kindness of his brother, would, in the same spirit, extend to his children that treatment which the interests of the country and humanity required at his hands.

Lord WODEHOUSE said, he was not surprised at the anxiety displayed by his noble Friend respecting the state of affairs at Constantinople, in consequence of the death of the late Sultan, and the accession of a new one. Such events were of great importance in every country, but especially must they be important in a country like Turkey, where the personal character of the Sovereign was of such consequence. He believed that the account given by the noble Lord from his personal knowledge of the amiable qualities of the late Sultan was perfectly accurate, but he could himself add nothing to that subject. With regard to the new Sultan, who, as his noble Friend observed, was the brother of the late Sultan, and was entitled by the law of Turkey to the succession, the Government had received an authoritative announcement of his accession to the throne, and had also received assurances that it was his intention to pursue the same foreign policy as had been pursued by his predecessor, and, as to the internal affairs of Turkey, that he would inaugurate useful and salutary reforms. At the same time the Turkish Ambassador told his noble Friend the Foreign Secretary, that an Imperial Hatti-Scheriff would shortly be issued, in which a full statement would be made respecting the policy of Sultan Aziz in regard to the internal affairs of Turkey. He would not attempt to draw the horroscope of the new Sultan, but hoped His Majesty would have a fortunate reign, entirely agreeing, however, with his noble Friend as to the extreme necessity of immediate and important reforms being made in the Turkish administration, and especially in relation to its finances. He was confident that if the new Sultan followed the advice which would be disinterestedly given him by his allies, and sought to develope the great resources of his empire, introducing regularity into his finances and selecting and supporting honest men under him, so that their measures might be fairly carried out, it was not yet too late for the Turkish Empire to enter into an era of prosperity.

The Earl of HARDWICKE said, their Lordships would, perhaps, think it extraordinary that he should venture to join in a discussion on foreign policy, but having in early life passed a great many years in Turkey, and watched the course of British policy towards that empire, he had imbibed a strong opinion on this subject. To his mind no policy was more calculated to weaken the power of any nation than the policy of interference which had been pursued by Great Britain towards Turkey, and which, as he gathered from the speech of the Under Secretary for Foreign Affairs, it was intended to continue. If they wished to make Turkey strong, they must govern her according to Turkish law. It was idle for a Christian nation to suppose that its advice could ever tally with the tenets of the Koran. The Turkish was a theocratic Government; its laws were supposed to be of Divine origin; and to force the advice of a Christian Government upon the Sultan was to weaken his hands instead of strengthening them—to make him looked upon as a "Giaour" by his own people—as one who was neither Christian nor Turk, but infidel. Such a policy, if continued, would not add to the strength of the Turkish Empire, but would rather bring it to destruction. There was now an opportunity under a new Sultan of inaugurating a new policy. Let the Sultan govern by Turkish law, and according to the wishes and the feelings of the Turkish people; or on the other hand to overturn his Government at once and Christianize his empire. There must not be an attempt to thrust upon Turkey laws which might suit English tastes and English policy, but were quite inconsistent with the customs, habits, and religion of a Mahommedan people. No doubt our laws were infinitely better than theirs, but before those laws could be usefully transplanted into Turkey, and could be of any use for the support of the empire, the Turks must be made Christians.

Viscount STRATFORD DE REDCLIFFE said, he should take the earliest opportunity of bringing this subject before the House by a Motion for papers. Without questioning the sincerity of the opinions of his noble Friend (the Earl of Hardwicke) he must say that the doctrines he had just heard from his noble Friend with regard to Turkey were at variance with his own experience there, and with the policy which on both sides of the House had for the last twenty years been adopted towards that country—doctrines, he believed, as fraught with mischief as could well be imagined.

SAVOY AND SWITZERLAND.

The Earl of CARNARVON rose pursuant to notice, to call attention to the prolonged occupation of Northern Savoy by France; and to inquire if any and what arrangements have been made, in accordance with Her Majesty's most gracious Speech from the Throne of August last, with a view to give continued force to the engagements of the Treaty of Vienna, in connection with the assumed obligations of the Second Article of the Treaty of Turin, and to secure an effective guarantee for the maintenance of the inviolability and independence of Switzerland? The noble Earl said, there was a twofold question in connection with this subject—first, as to the general annexation of Nice and Savoy; and, secondly, a special and more limited question, with which alone he should trouble the House, respecting the annexation of that northern part of Savoy which had been declared neutral by the Treaties of Vienna, for the purpose of giving Switzerland a good defensive military position. He would not attempt to trace out the devious course of diplomacy by which the annexation of Nice and Savoy had been preceded; he would not even go into the general question respecting that annexation, because, though undoubtedly it was accomplished in violation of treaties, the spirit rather than the letter of those treaties had been broken. But the occupation of Northern Savoy vitally affected the interests of Switzerland. It was not merely that it had been a part of the traditional policy of Europe to commit the passes of the Alps, the keys of Northern Italy, to the hands of a Power strong enough to hold them, but not strong enough to abuse them, but that the possession by Switzerland in time of war of these Northern districts of Savoy had been repeatedly declared by the highest political and military authorities to be both a sufficient and a necessary barrier against foreign aggression. This if it did not actually give them Switzerland a material guarantee for its freedom and independence against any great systematic attack of a large military empire, yet with her spirited population was such that she might for awhile hold her enemies at bay until she could receive the succour which Europe was pledged to afford to her. On the other hand, if these districts were taken away, Switzerland lost her military frontier, and from that moment was open to the first invasion, and perfectly defenceless. It was with a view to these circumstances, and to prevent such a calamity, that in the Treaty of Vienna, the integrity of Switzerland had been declared to be one of the highest objects of policy to the Sovereigns assembled there, and that the contracting Powers agreed that this district should be neutralized, and remain for the time being in the hands of the King of Sardinia. It was in violation of this treaty that the cession had been made by Sardinia to France, and the cession was admitted by France herself to be illegal. The noble Lord the Secretary for Foreign Affairs, had over and over again declared that it was the object of Her Majesty's Government to maintain this policy as to the independence of Switzerland. It was perfectly true that there had been a great deal of controversy as to the neutralization of this district. France contended that this neutralization was imposed on Switzerland as a burden and an obligation. Sardinia had endeavoured to show that the neutralization had been effected in her interests; whilst Switzerland had uniformly contended, and proved by the undoubted history of the past, that this military frontier was a protection and a privilege; and the Secretary for Foreign Affairs (Lord John Russell) had always endorsed that view. Till last year this district was attached to Sardinia, as neutral territory, and thus gave Switzerland a guarantee for her independence. At the close of last Session the words of the Royal Speech were—

> "Her Majesty trusts that, in any Negotiations which may take place, full and adequate Arrangements will be made for securing, in Accordance with the Spirit and Letter of the Treaty of Vienna of 1815, the Neutrality and Independence of the Swiss Confederation."

This was the language of the Speech from the Throne on the 28th of August last, proving that the Government felt the importance of the subject of guaranteeing the integrity of Switzerland, and that some arrangements were absolutely necessary for replacing the broken law of Europe. The language of the Government in its despatches was even stronger. Lord John Russell, in writing to Lord Cowley, said the Treaty of Turin could not be considered as part of the public law of Europe, and as such it had not received any formal acknowledgment. By the speech, therefore, of Her Majesty, and by the language of the Government he was justified in saying that the occupation of Northern Savoy where it was not competent for Sardinia to cede or for France to accept that territory unacknowledged and protested against by England remained to this hour a standing breach of the constitutional and public law of Europe. Now, was there no mode of extrication from this difficulty? Italy having had her share in the recent bargain was practically precluded from having any voice in the matter. France claimed the district as her territory. Of late years—he might say it without offence to the French Government—it had, to the exclusion of other objects—almost to the exclusion of literature and science—been imbued more and more with military feeling. Military honours and distinctions were the great objects of public life, and the Emperor, as embodying this feeling, did an act not wholly unpopular, when he drew a prize from this lottery. Still, the position of France was not satisfactory; France herself admitted that the position required an alteration, that she ought to exchange the illegal occupation for one more in unison with public treaties and public law. Though we could not altogether forgive what had passed, yet it might be condoned, provided that the past was, as far as possible, remedied and that the recent annexation was not made a precedent. They required that in spirit, if not in the letter, the public treaties guaranteeing the neutrality of this territory should be maintained. The Treaty of Turin, under which Sardinia ceded it, had broken that settlement. But in that treaty there was one article, by which the Emperor, in accepting the treaty, accepted the obligations imposed in respect of the territory by former treaties, and it provided that France should come to an understanding both with the Swiss Confederation and the other Powers of Europe, for giving fresh securities for the independence and integrity of Switzerland. It ought not to be forgotten that the French Government had not only offered to neutralize the province, but in the earlier stages of the question, had actually offered to abandon to Switzerland Chablais and Faucigny. That was not an isolated promise. The same assurance was given by the French Consul at Geneva, and subsequently M. Thouvenel expressed to Lord Cowley the opinion of the French Government that it was desirable that Chablais and Faucigny should be permanently united to Switzerland. These promises, so clearly and explicitly made, were subsequently modified and withdrawn; but still the French Government continued to express sympathy with Switzerland, and a friendly interest in her affairs. In April M. Thouvenel proposed to this country a plan by which the neutrality of Switzerland should be secured; and, about a month afterwards, he laid down three bases by which the two countries of England and France might unite in securing that independence. He quoted these words in order to show that, though in the first instance the French Government had withdrawn its promises, yet, if any reliance was to be placed in words, there was every disposition to come to an agreement with this country in some equitable arrangement by which the independence of Switzerland might be secured. In the next place, it was highly desirable that the present illegal occupation should as soon as possible be converted into one that was more in unison with the public law of Europe. In the third place, their Lordships must bear in mind that Switzerland desired a military frontier, and not a mere diplomatic guarantee. It was obvious that there was not a single point of comparison between the possession of Northern Savoy by France, and its possession by Sardinia—by the greatest military empire in the world, or a kingdom which only last year was but a third-class Power in Europe. What constituted a sufficiently valid guarantee under the trusteeship of Sardinia was no guarantee at all when it passed under the dominion of France. He had now gone through most of those points which he desired to bring before their Lordships—very imperfectly and briefly he knew; but he trusted he had indicated enough to draw their Lordships' attention to the matter. He should be sorry if the House were to feel that he had brought forward this question merely as a matter of debate, or on light and theoretical grounds—he had done so from a strong conviction of the effect of these events upon the peace of Europe. Every one at all cognizant of the affairs of Switzerland were of opinion that great dangers were now menacing that country. He need hardly remind their Lordships that the natural consequence of a wrongful act was to repeat itself in fresh wrongs; that the wrong-doer was unable to stop in his career, and was impelled forward, step by step, by the agency of causes which, though he was the first to set in motion, he was utterly unable to check. The noble Lord the Foreign Secretary last year expressed most forcibly and truly the dangers which would menace Switzerland if Northern Savoy were annexed to France. That annexation had taken place; and he was bound to say that every one of the dangers forcibly and truly set forth in the noble Lord's despatches had been fully realized. At this moment France had pierced the frontier of Switzerland and overlapped her territory. She was politically and strategically the mistress of the mountains. Chambery was for all practical purposes brought close to the gates of Lyons, and French troops were within a few hours' march of the Lake of Geneva. French agents—he said not from whence they came or by whom they were sent—were trafficking in Switzerland, and Swiss soldiers were negotiating at Paris. In every part of Switzerland there was great fear and apprehension, and a consciousness of the overwhelming force and irresistible influence of France unless they were upheld by the public opinion of other countries. The condition of affairs was now materially changed. Last year there was a French population of 20,000 resident in Geneva, but that was balanced by a population of 20,000 Savoyards. But now those Savoyards no longer owed allegiance to the King of

Sardinia, they were the subjects of the Emperor of France; so that, practically, there was now a population of 40,000 Frenchmen in Geneva. Let it not be thought that this was a chimerical objection; for though the Savoyards had been most reluctantly annexed to France, yet now, when the King of Sardinia had cast away the loyalty of 800 years, by a natural revulsion of feeling which their Lordships could understand, however they might regret it, the Savoyards were determined that, as far as lay in their power, if Savoy could not be attached to Geneva, Geneva should be attached to Savoy. But it was not this or any other particular danger that was on the horizon. The whole atmosphere of Switzerland was charged with dangerous influences. What conclusions were they to draw from the recent visit of Prince Napoleon to Geneva?—a visit associated in the public mind with some impending change or territorial aggression. What inferences were they to draw from the rumours that were in circulation throughout Switzerland respecting annexations and redistributions of territory—rumours similar to those that heralded the annexation of Savoy—passing from local journals into the higher circles—then denied, then affirmed, then denied again, and latterly by the Ministers of both Governments; until at last it was consummated? What inferences were they to draw from the fact that the wisest, most moderate, and liberal statesmen of Switzerland were filled with apprehension at the present state of things? In the occupation of Northern Savoy by France there was to be seen overwhelming strength on the one hand and utter weakness on the other. The railways converging on Switzerland might, in the event of hostilities, bring 20,000 troops into that country within twenty-four hours. The fortresses of Switzerland and her military stores were practically unguarded, because, although they recognized the danger, they feared to take those measures of defence which might be construed into a cause of offence. Surely in such a condition Switzerland deserved the sympathy of the Parliament of this free country. She had borne her trials with unexampled constancy; she had fully appreciated her position; she was proof against the most seductive offers; she was proof against taunts that could not be mistaken and threats that were not disguised. She had impartially held on her way, maintaining her rights and vindicating the duties which the treaties of the last fifty years had imposed on her. Europe had laid on her the obligation of neutrality, that there might be one spot in central Europe where the oppressed might find refuge, and whose very neutrality in the heat of a general war might be an argument for, and a pledge of future peace. My Lords, continued the noble Earl, no one ever enjoyed more largely the benefits of Switzerland's neutrality than the present Emperor of the French. I believe that that great Sovereign, since his accession to prosperity and power, has never shown himself oblivious of any acts of personal kindness and friendship which he experienced in the days of his adversity and exile. I hope, therefore, that the generous return which the Emperor has known how to make to individuals will not be denied by him to the country which once afforded him its protection. And when I remember the firmness with which Switzerland in his cause maintained, even at the risk of war, the inviolability of her asylum for political refugees, I cannot bring myself to think until I am, indeed, obliged to do so, that all sense of gratitude is banished from the Imperial Court of France. The noble Lord concluded by putting the question.

LORD WODEHOUSE: My Lords, I do not at all complain of my noble Friend for having brought this subject under discussion; but having listened very attentively to his speech, I must say, I am altogether unable to discover to what practical conclusion he would lead your Lordships. My noble Friend has accurately stated the effect of the despatches written by Lord John Russell, and laid on your Lordships' table during last year, and which informed your Lordships of the exact position in which this matter then stood. In point of fact, that position, as far as I am aware, has in no way changed since those despatches were written. In the month of July last my noble Friend Lord John Russell accepted the proposal of the French Government for a Conference to take into consideration how the 92nd Article of the Treaty of Vienna should be reconciled with the 2nd Article of the Treaty of Turin. The despatch in which he accepted that proposal was laid upon the table. Subsequently, however, objections were made by the Governments of Russia, Prussia, and Austria to an immediate meeting of such a Conference, and in consequence of those objections the Conference was postponed.

My noble Friend Lord John Russell, in stating that Her Majesty's Government acquiesced in that postponement, added that he did so on the understanding that the present occupation of Savoy by France should not be regarded as forming a portion of the public law of Europe. In that position the matter has remained ever since; and my noble Friend opposite, in pointing out, as he has done, in very forcible language, the inconvenience of that occupation, which has not been sanctioned by the public law of Europe, has altogether failed to suggest any means by which Her Majesty's Government could bring about the sanction of it in a manner that would be consonant with their opinions of how the Treaty of Vienna should be upheld. The treaty out of which has arisen the whole of the present controversy was signed, not by England only, but by all the other great Powers of Europe; and, if those other Powers do not think it necessary that negotiations should take place in order that the recent Treaty of Turin should be reconciled with the Treaty of Vienna, it is impossible for Her Majesty's Government, by any act of its own, to bring about any such reconciliation. My noble Friend opposite went at some length into the various questions which were raised in the course of the many discussions that occurred last year, and in much that he said I entirely agree. But it is neither requisite nor convenient that I should now enter again into those various questions and restate our objections to the course pursued by the French Government, which objections Her Majesty's Government not only did not conceal, but which they stated at the proper time in the clearest and plainest manner, and which were set forth in the despatches laid upon your Lordship's table. and also formed the subject of consideration throughout Europe. Indeed, I conceive that, as far as protesting and stating objections went, Her Majesty's Government did all that could have been demanded of them by the strongest opponents of the annexation of Savoy. More than that, I believe nobody ever proposed anything should be done in the matter by this country. That being so, it seems to me that it would neither be consistent with the dignity of England, nor wise and politic, to continue or revive a discussion that can have no practical end, and which we have no power to bring to any useful conclusion. Such a course must tend to prejudice those relations which on every ground we desire should retain their friendly character, and I must say those discussions were entirely exhausted during the last year. I deplore, as much as my noble Friend opposite deplores, that Switzerland should remain in a position which may, undoubtedly, be called an uncomfortable one with respect to this question. It is not only extremely inconvenient that there should be upon her frontier a territory the exact position of which is not defined by the public law of Europe—I mean not recognized by all the great European Powers; but it is, likewise, well known that it is the opinion of Her Majesty's Government that that position is not one that should be recognized. If Switzerland should be able to find any means by which these differences might be reconciled—if she could discover any mode of inducing the French Government to make such concessions to her as she thinks requisite for her security, and as would allay the fears she entertains—none would rejoice more than I should, and I am sure that Her Majesty's Government would do everything in their power to facilitate any such conclusion. My Lords, I feel so unwilling to reiterate objections which are perfectly familiar to all your Lordships, or to enter again into a controversy which has been so fully brought forward in the published despatches, that, notwithstanding that my noble Friend may think I give but a slight answer to his remarks, I must ask the House not to pursue this subject further. I will merely repeat that the matter remains in the same position in which it stood during the last summer; that no negotiations have taken place upon it, because the other great Powers have not thought it desirable to enter into such negotiations; that Her Majesty's Government do not feel themselves able to force those negotiations upon the other great European Powers: and that it would not therefore be consistent with the dignity of this country, or wise and politic, to continue discussions that would lead to no practical result.

ROYAL DUBLIN SOCIETY — GLASNEVIN BOTANICAL GARDEN.

MOTION FOR CORRESPONDENCE.

THE EARL OF CLANCARTY rose to move for—

> "Copy of any Correspondence between the Science and Art Department of the Committee of Council on Education and the Royal Dublin Society, relative to the Opening of the Glasnevin Botanical Garden to the Public on Sundays; to-

gether with Copies of any Communications from The Lord Lieutenant of Ireland to the Committee of Council on Education or to the Royal Dublin Society upon the same Subject."

The noble Lord, in support of the Motion, addressed the House as follows:—My Lords, the correspondence for which I am about to move I think it right should be laid upon the table of the House, inasmuch as it relates to the conduct and character of the most ancient public institution in the kingdom for the promotion of practical science, I mean the Royal Dublin Society, which has for the last century received annual aids from Parliament, but is now threatened with deprival of part of the public grant as a penalty for the offence, if offence it can be called, of declining to open the Botanic Gardens on Sundays, as a place for public recreation. To this it is that the correspondence relates, and both the manner in which the society has been called upon by the Science and Art Department of the Committee of Council on Education to act in direct opposition to the known feelings of the great majority of its members, as well as the nature of the requirement itself, render it very important that Parliament should be fully informed of the whole transaction. I have noticed the Royal Dublin Society as the most ancient scientific institution in the kingdom. Founded in 1731, it obtained, in 1749, a Royal charter of incorporation, and, carrying on a work of manifest usefulness to the country, it received its first grant in aid from the Irish Parliament in 1761, just a century ago. The sum then given was £2,000, but from that time, acting under the immediate view of Parliament, it received grants annually increasing in amount till in 1800, the year of the Legislative Union of the two countries, it received as much as £15,500. Since that period it has been less liberally assisted. Such of its patrons as continued to be Members of the Legislature could not exercise in its behalf the same influence in the Imperial as in the local Parliament; and the institution itself lost much of its interest with those of its members whom public duty removed to a distance from it, and who could, therefore, no longer, as when Parliament met in Dublin, take part in its proceedings. Among the citizens of Dublin, however, its efficiency was maintained; and, though the Government ceased to aid it as liberally as before the Union, there can be no doubt that the grants that have been annually made, varying in amount, have been given with the object of upholding and encouraging an association of unquestionable public usefulness. It has been the means of developing much native talent in art and manufacture. Its schools, its public lectures in the city and in the provinces, its laboratories, museums, library, and botanic garden, afford aids to education in the cultivation of different branches of science, which are open, almost all, gratuitously to all classes. Its exhibitions of agricultural produce are of acknowledged value, especially its spring shows of pure bred stock, which are the largest and most important in the United Kingdom; and the Lord Lieutenant, as president of the society, has very lately inaugurated the opening of a most interesting exhibition of art and manufacture, affording to the public recreation and improvement, and a valuable stimulus to manufacturing industry. Amongst its members the society includes persons of every party, of every creed, and of every class who take an interest in, and are willing to make an annual contribution of a certain amount towards carrying out, the scientific objects of the association. For such objects, and none other, was the society formed. It does not in any degree partake of the nature of a club. In its reading rooms are found no books or periodicals except such as are connected with science or art; in fact, membership, while involving expense, confers little else than the privilege of co-operating for the public good in the practical development of science. Gentlemen of character and independence so associated, and who for a long series of years have faithfully and efficiently applied themselves, without fee or reward, to the discharge of a public trust, were entitled to be addressed, if not with deference, certainly not in that arrogant and offensive tone of dictation which pervades the letters of the officials of the Committee of Council, by whom they were informed that the Government required that they should take a step with reference to the property they have in charge to which the great majority of them are known to have a religious objection, and to which others, as trustees for the due preservation of the society's property, cannot consent. The requirement on the part of the Government is that because the Commissioners of Woods and Forests have opened Kew and Hampton Court Gardens to the public on Sundays, therefore, the Royal Dublin Society, in return for the grants it has received from Parliament, should throw its botanic garden open for Sunday recreation. The correspondence sets forth the grounds, general and special, upon which the society has declined complying with this requirement, which is further objected to as being in violation of a distinct pledge given to the society in 1854, that, "beyond aiding the society in giving the fullest publicity to its labours, their Lordships would not interfere in its general management." I have been given to understand that it is the opinion of the Government that the observance of the Sabbath should be the same in Ireland as in England and Scotland; that in Scotland opinion is very strong and unanimous in its favour; that in England it is much divided; but that in Ireland, as a Roman Catholic country, it must be taken to be altogether the other way. Such a view of the case, my Lords, is most mistaken, and I totally deny that in Ireland there is any greater disregard of the obligations of the Sabbath than in England. The very small minority of the Royal Dublin Society which, upon a recent division, took the anti-Sabbatarian view, may be taken as an index of the state of public opinion among the educated classes of the city of Dublin upon the question of Sabbath observance; for the society includes among its members persons of every religious denomination. But, if further proof be required of the state of public opinion upon the subject in Dublin, it may be gathered from the result of a public meeting lately held in support of the society's views, from which an address, signed by upwards of 6,000 persons, was immediately presented to the Lord Lieutenant, and from which also, I understand, a petition signed by about 8,000 citizens of Dublin will this day be presented to the other House of Parliament. The Government, I hope, will pause before it sets itself further in opposition to public opinion so expressed, or to religious feelings and convictions regarding the Lord's Day, which, though they may deem them exaggerated, are yet entitled to respect, and certainly better calculated to promote the spread of enlightened Christianity than that disregard of the Sabbath which their present views are, I fear, but too likely to produce. But, passing from the question of Sabbath observance, the argument in favour of opening the Society's Botanic Gardens for Sunday recreation, drawn from the supposed analogy of Hampton Court and Kew Gardens, does not hold, for the circumstances of the two cases are, in fact, widely different. Kew and Hampton Court are large parks which, though they are partly formed into gardens containing many valuable plants interesting to the botanist, are chiefly laid out, and most tastefully so, for public walks, and their situations are very suitable for the purpose. The Botanic Garden of Glasvenin, on the contrary, is comparatively small, and, though designed with much taste and picturesque effect, is primarily laid out for scientific and educational purposes, and so circumstanced in respect of its situation that it would be impossible to secure the valuable plants it contains without the most stringent regulations, and the employment of a large staff of constables to enforce them. Too many facilities for intoxication exist in the vicinity of the great cemetery that adjoins the garden; and the large number of funerals that, I am informed, take place there on Sundays, commonly followed by crowds making holiday of the occasion, would cause the garden to be at times invaded in a disorderly manner, alike detrimental to the property and unprofitable to the people themselves. Even in St. James's Park, where the grassplots and beds are most carefully fenced with strong iron paling, and numerous constables are employed to preserve order—where, moreover, the same incentives to disorder do not exist as in the vicinity of Glasnevin—I find put up at each of the principal entries, by way of warning to the public, a statement of the number of offences of which persons frequenting the park had been convicted within one fortnight, and of the punishments that had been inflicted. There was one person fined for throwing stones at a constable, two others for separate offences of drunkenness and assaulting constables, two more for separate offences of damaging trees, one for disorderly conduct, and one for stealing the eggs of a valuable aquatic bird. The fines varied from 2*s.* 6*d.* to £1, with the alternative in each case of imprisonment. How many other like offences may have been committed within the same fortnight by visitors to the park I know not, but certain I am that the Royal Dublin Society does not possess the means, pecuniary or otherwise, that the Commissioners of Woods and Forests can command for procuring order in the public parks. To provide healthful recreation for the working class is, no doubt, a praiseworthy object, and one to which public money may very legitimately be applied, but the Royal Dublin Society does not possess the means of making such provision. Its members are, nevertheless, I believe, animated with sentiments quite as favourable to the interests of the working classes as are those who are styled my Lords of the Committee of Council for Education, and who never until this year raised the question of opening any department of the society to the public on Sundays. The society is, no doubt, desirous that its servants should, as far as possible, enjoy the Sabbath as a day of rest, but on every other day in the week it is their desire and endeavour to make the institution as accessible and as improving to those in humble life as to the middle and upper orders. I believe nobody could better testify to this than the society's president, the Lord Lieutenant, and much as I was surprised at the very unlooked-for requirement of the Committee of Council regarding the opening of the Glasnevin Garden on Sundays. I was much more so at finding it represented that it was made at the suggestion of the Lord Lieutenant, for that noble individual, holding the office of President of the society, and in habits of frequent intercourse with its members, as well as with the society itself, never once intimated to them the views attributed to him; yet not only does the correspondence open with the intimation that his Excellency had brought the subject before the Committee of Council, but in their second letter the committee notice expressly a recommendation he had made upon the subject, against which it is most inaccurately stated that the Royal Dublin Society had more than once urged objections, basing its opposition upon the ground of its being a private society. The charge is untrue in every particular. In the first place, as the Lord Lieutenant never made any recommendation to the society upon the subject, his recommendation never had to be combated; and, secondly, the society never has claimed to be a private society, but has, on the contrary, always considered itself as a public body—a trustee for carrying out the public objects for which it was incorporated by Royal charter. And, with reference to the feeling of the society towards the Lord Lieutenant, I must add, that had any recommendation to that body come from Lord Carlisle, whether as the Queen's Viceroy or the society's president, it would have received the most respectful and careful consideration. In addition to the correspondence between the Committee of Council and the society, I propose to move for copies of any communications the Lord Lieutenant may have made either to the Committee of Council or to the Royal Dublin Society upon the question at issue between them, as it is important to know upon what grounds rest what is asserted regarding the part taken by the Lord Lieutenant. My Lords, it is with much pain that I make the remarks I have felt it my duty to make regarding the correspondence I am to move for. The Government has not, I conceive, acted in a proper spirit by a society that has done the services to the country that have been rendered by the Royal Dublin Society. The attempt to coerce a society of educated and independent gentlemen associated in the discharge of a public trust to act in opposition to their convictions was not a becoming exercise of the power of the Government. The Government, no doubt, does entertain a very strong opinion, though very suddenly taken up, that the society is not justified in adhering to its practice —now of 100 years' standing, and never before questioned—of allowing every week a Sabbath of rest to its officers and servants, and they, therefore, think they should be deprived of part of the annual grant given by Parliament; but if so, the more manly, straightforward, and constitutional course would have been to have reduced the estimate upon their own responsibility, instead of submitting a vote to the consideration of Parliament that they do not intend to support, and the discussion of which will have the effect of raising an anti-Sabbatarian agitation within the walls of Parliament at the expense of a society which has ever studiously avoided mixing itself up with religious controversy. My Lords, I will now conclude by moving that there be laid upon the table of the House copies of any correspondence that has taken place between the Science and Art Department of the Committee of Council on Education and the Royal Dublin Society about opening the Botanic Gardens at Glasnevin to the public on Sunday, together with copies of any communications from the Lord Lieutenant of Ireland to the said Committee, or to the Royal Dublin Society, upon the same subject.

LORD TALBOT DE MALAHIDE said, that holding the office of Vice President of the Royal Dublin Society he felt it his duty to say a few words on this important question. Although he regretted that the Government should feel disposed to withdraw any portion of the grant to that Society, he could not entirely agree in the views stated by the noble Earl opposite. He had himself, at the meetings of the society, frequently advocated the admission of the public to the Glasnevin Gardens on Sunday after Divine service, because he believed there was a large class of artisans who had no other day at their disposal. This society possessed an advantage which all institutions in Ireland did not enjoy, as it was perfectly free from any religious or political bias, and he thought it would be most injudicious to diminish the power of the society to keep up a good botanic garden. The Government were hardly justified in the strong measures which were threatened, and he trusted the Lord President of the Council would give some reassuring statements on the subject.

EARL GRANVILLE said, he should regret any want of courtesy in communications with so important a society as the Royal Society of Dublin; but having again looked over the correspondence, which he had no objection to lay on the table, he could not find in it any discourteous expressions. The question of the opening the garden on Sundays having been brought under the attention of the Government by the Lord Lieutenant, they expressed an opinion that as there was a large annual grant of public money the Irish public ought to derive exactly the same advantage as the English public derived, under the sanction of successive Governments, and under the sanction of Parliament, at Kew and Hampton Court. The objection to the opening of the gardens on religious grounds was taken away by the fact that the Society had been in the habit of admitting the Fellows on Sundays to these very gardens, and the whole of the public on payment to another garden in Dublin under their administration.

THE EARL OF CLANCARTY said, the Royal Society had no control over the garden to which the noble Earl alluded.

EARL GRANVILLE said, he presumed the noble Earl did not deny that the Fellows of the Society were admitted to the Botanic Gardens on Sundays? With regard to the police question, the fact of a memorial in favour of opening the gardens being signed by all the police magistrates in Dublin was a greater authority than any argument which he could use. The same objections which were made now were urged against throwing open Kew and Hampton Court, but the result had shown that the majority of the visitors on Sundays were artisans of this Metropolis and that their behaviour was orderly and unexceptionable. The noble Earl could not wish to make an invidious distinction between the artisans of Dublin and the artisans of London; and he believed that, if they placed confidence in the Irish working people, their confidence would not be misplaced. Since he had been in the House he had been informed by an Irish Peer that when he proposed to throw open his grounds to the public he was warned of the danger of disorder and devastation, but nothing of the sort had happened, and nothing could be more orderly than the conduct of the population so admitted. A deputation representing fifty-nine Irish constituencies of all creeds and all politics had pressed on the Government in the strongest manner the desirability of opening these gardens on Sunday. They had further requested the Government to withdraw the grant in order to compel the opening of the gardens. The Government had declined to take that course, but they had determined to take the very constitutional course of deferring any proceedings until the subject had been discussed in Parliament, as it would be when the Vote for the society was under the consideration of the other House. A petition, signed by 16,000 persons, including the Corporation of Dublin and the police magistrates to whom he had referred, had been presented in favour of opening the gardens, and there was good evidence that a large majority of the people of Dublin concurred in that view. The Lord Lieutenant entirely agreed in the opinion of the Members of the Government on this side of the water, that the gardens should be opened, subject of course to the usual regulations. The Lord Lieutenant differed only in point of detail, being of opinion that a small money admission should be required; but in that view the Government did not concur. Under all the circumstances he thought the decision of the Government was most in accordance with the general opinion of the public.

THE EARL OF DONOUGHMORE said, that if he had been present at the meeting referred to he should certainly have voted in favour of the gardens being opened on Sundays after Divine service under certain regulations. If these gardens had been supported entirely by the private contributions of the members of the Royal Dublin Society, of course it would have been competent for them to take their own course in the matter; but the fact was that the Royal Dublin Society was merely the medium for expending the public grant given to these gardens. No doubt there was a strong feeling in Dublin against the opening of the gardens; but, on the other hand, there was a petition to be presented to the House of Commons from 2,240 electors, and 16,000 artisans of Dublin in favour of their being opened. If Parliament should decide in favour of the opening of these gardens on Sunday, either the Royal Dublin Society must give way, or else notice ought to be given to them by the Government that the administration of the grant would be transferred to other hands.

The Bishop of CARLISLE protested against the sanction of the Government being given to the efforts of persons who were endeavouring to break down the sanctity of the Sabbath. The comfort and consciences of those public servants who were condemned to perpetual labour by the opening of these places ought to be considered. The opening of Kew Gardens led to the running of no less than 93 trains on the Lord's Day, and, of course, to the employment of a very large number of guards, drivers, porters, and other officials. Having mixed much with working-men he knew that they looked to the Legislature to protect them against the consequences which would flow from the sanctity of the Sabbath being broken down.

Lord MONTEAGLE said, that he would be as much opposed to the Motion as the right rev. Prelate if he thought that it tended in the remotest degree to break down the sanctity of the Sabbath. The contrary would be found to be the case. It would be a great boon to the poor housekeepers, artizans, and inhabitants of the Liberties of Dublin, that upon this day of happy rest and enjoyment they should have the opportunity of communing with the works of Nature. Such an opportunity tended to improve the hearts and the feelings of those poor people far more than if they were pent up in their close abodes and banished from all innocent enjoyment, because there were some persons who chose to put upon the Lord's Day restrictions which he did not think were to be found in its origin and the divine ordinance on which the Christian Sabbath rested. There was no reason to anticipate that any mischief would be done to the Botanic Garden if it were opened to the people on Sundays. What was our experience at Hampton Court or at Kew? What was the conduct of the people in St. James' Park, which was open during the whole Sunday? He saw in that beautiful garden, on Sundays crowds, including some of the most wretched classes from Westminster, who conducted themselves in the most orderly manner; often they were assembled in family groups, and he attached much importance to the union of husband, wife, and children, who were probably separated during the week, meeting in happy communion in that beautiful garden on the Sunday. Depend upon it these persons were not the worse Christians for being thus allowed the contemplation of the beautiful works of God. In conclusion, he thanked the noble Earl (the Earl of Donoughmore) for the manly, sensible, and, he would unhesitatingly, add the religious view which he had taken of this question, and hoped that the managers of these gardens would follow his noble Friend's advice, and take an opportunity of reconsidering their decision, if they did not, he hoped the House of Commons would be against them as the declared sense of the House of Lords had now shown itself to be.

The Earl of EGLINTON concurred with almost every noble Earl that had spoken, in thinking that it was expedient to open the Glasnevin Garden on Sundays. The Zoological Gardens in Dublin had been open for some years to the public on that day, and hardly an instance of misconduct had occurred in them; while he believed that their use on Sunday had greatly conduced to the benefit of the people. The interests of religion were best subserved by the promotion of innocent and healthy recreation among the lower classes of the population, instead of leaving them to indulge in the gross vices which prevailed in all great cities. He, however, thought that, as the Royal Society were pledged conscientiously and by opinion to a particular course, the Government should not press them this year to alter their determination, but give them until next year for consideration.

The Bishop of DOWN and CONNOR said, he would in every possible way guard against the desecration of the Sabbath; but care should be taken, while upholding its sanctity, to remember the words of Him who said that "the Sabbath was made for man, and not man for the Sabbath."

What could be more becoming than to give to the Christian people of a Christian country the innocent recreation on a Sunday which was denied them on every other day in the week? The upper ranks of society were able to take recreation on all days; but the working classes in every large town were, for the most part, immured in close rooms, breathing a polluted atmosphere, with no possible means of enjoyment; and, that being so, the upper classes, he thought, could hardly reconcile it to themselves on religious grounds to exclude the poor from enjoying the fresh air and the recreation which such gardens as these naturally afforded. He hoped the executive of the Royal Dublin Society would reconsider this question, and would not deny to their poorer brethren means of enjoyment which they possessed themselves. It seemed to him most desirable that those who had the opportunities of reading the will and mind of God in His holy book should also have opportunities of contemplating the works of His hand in the other great book—the book of Nature, remembering that "the earth is the Lord's, and the fulness thereof." He trusted that the Government grant would not be withdrawn, and that the result of a calmer consideration of this question by the Royal Dublin Society would render such a step unnecessary. He admitted it to be an evil that by the opening of holiday places on the Sunday a certain number of officials were employed; but this objection would apply less to the Glasnevin Gardens than to any other, for there was no railway, and only two or three attendants would be required; and, that being so, he thought the conscientious scruples of a few persons should not stand in the way of doing a great public good. When they considered the many evils to which the populations of large towns were exposed on Sundays, they must admit that it was an advantage to remove them as far as possible from those unholy temptations. He must express a hope that public places of this sort would not be closed on that day.

THE EARL OF CLANCARTY said, that those who entertained religious scruples upon that subject were entitled to the greatest respect.

EARL GRANVILLE said, he would immediately put himself in communication upon the matter with the Lord Lieutenant of Ireland, who had the most friendly feeling towards the Royal Dublin Society, and he hoped that by that means some satisfactory settlement of the question would be effected before the Vote came on for discussion in the House of Commons.

Motion *agreed to.*

House adjourned at Eight o'clock,
to Monday next, Eleven
o'clock.

HOUSE OF COMMONS,

Friday, June 28, 1861.

MINUTES.] PUBLIC BILLS.—1° Inclosure (No. 2).
2° Crown Suits Limitation; Book Unions.
3° East India Council, &c.

IRREMOVABLE POOR BILL.

COMMITTEE.

Order for Committee read.

MR. C. P. VILLIERS said, a misapprehension prevailed that the Bill introduced a new principle into the law of settlement. It introduced no new principle, but simply carried out more effectually the beneficial objects of a Bill passed in the last year in which Sir Robert Peel held office, and of a Bill subsequently passed. That Bill was recommended by Sir Robert Peel, partly for the benefit of the poor, but chiefly to compensate the agricultural interest for the losses they apprehended from the withdrawal of protection. At that day the burden of the poor was greatly aggravated from the circumstance that they used to leave the villages and go to the manufacturing towns when trade was prosperous, and in seasons of distress return to the agricultural districts. The Bill of Sir Robert Peel provided that no poor person who had resided for five years in any place should be chargeable on the place of his settlement, and by the 11 & 12 *Vict.*, it was provided that the charge of that new class of paupers should be cast upon the common fund of the union, and not be a charge upon the parish. The principle of the Bill was subsequently extended by a Bill introduced by Mr. Buller to other classes of paupers. The common fund was levied on each parish on an average of its payment of poor rates for three years. It soon, however, became evident that there must be an alteration of the principle by which that common fund was constituted. As the poor were to be maintained by the establishment, and were to have the services of union officers, it was thought at first only fair that the parishes should pay in proportion to their demand for that service. So long as that was the only charge cast upon the fund there was no complaint. But when other charges were cast upon it, it became necessary to constitute the fund differently, and to render liable the property of the union. It was, therefore, deemed necessary by the late Government to institute an inquiry to ascertain what grounds there were for the complaints which had never ceased to be made by the parishes for the charges cast upon them. Accordingly, in 1858, a Committee was appointed to inquire into this subject, and that Committee came to certain Resolutions, on which and on the evidence taken before it the present Bill was founded. The first of these Resolutions was that the period of residence should be reduced from five to three years; the second, that the area of residence should be extended to the unions; and the third, that some improvement should be made in the mode of raising the common fund. The reduction of the period of residence and the extension of the area seemed to be generally approved. It was exceedingly difficulty at present for the parochial authorities to discover whether a man had a five years' residence or not; but the fact would be much easier ascertained if a three years' residence was provided for, and the proposal for three years was made in deference to the wishes of the Committee. If the shorter time were agreed to it would be a means of circulating labour, while at present the law was little else than a trap to deceive the poor. If the House believed there was any good in the inquiries of Committees it would have no hesitation in passing this measure. The most important change proposed in the Bill was that in the 9th Clause, by which the common fund would be levied, not on the average of three years' relief given by a parish, but according to the valuation of the rateable property. In the Committee a proposal was made by his right hon. Friend (Mr. Estcourt), and agreed to, to combine the element of population with that of the rateable value of property, and his right hon. Friend had given notice that he would move in Committee an Amendment to that effect. That was a proposal to which he could not agree, and he hoped it would not be sanctioned by the House. It was unnecessary to tell the House that at present the relief of the poor fell very unequally upon parishes. It often happened that wealthy parishes had the advantage of the labour of the poor, while some adjoining poor parish had to bear all the burden of their relief when they required it. This injustice was not one that arose between the conflicting interests of the trading and agricultural districts, or between town and country parishes. The injustice was often experienced in the case of two parishes situated in the same district. For instance, in the parish in which the Bank of England was situated there were almost no poor. In the parish in which St. Catherine's Dock was placed few poor were to be found; while adjoining parishes from which the labour came were swarmed with them. The same state of circumstances occurred in agricultural districts, so that one or two fortunate proprietors were frequently exempted from the support of the irremovable poor, while their neighbours were overburdened. He believed the new mode of contributing to the common fund proposed in the Bill, by the rateable value of each parish, would do much to remove the injustice that now existed. The new proposal had the recommendation of those in all parts of the country who were best able to judge of its probable effects. He thought the measure an exceedingly moderate one; and should it be rejected by the House, he begged them to remember that there was an organized movement for an equalization of poor rates all over the country, and that they would act wisely in not giving strength and energy to such a movement.

Motion made, and Question proposed, "That Mr. Speaker do leave the Chair."

MR. SOTHERON ESTCOURT said, that no notice of any Amendment having been given, he apprehended that it was not intended to offer any opposition to the Bill. He, for one, was ready to give his best support to the Bill, because, with one exception, he thought its clauses would tend to simplify the administration of the Poor Law, would benefit the poor, and be a relief to the guardians. He believed that the Select Committee to which the right hon. Gentleman had referred was most impartially constituted; and its decisions certainly had nothing about them of a party character. They had viewed the question simply as one of local administration. He agreed with the right hon. Gentleman that it was fair to make the rateable value the basis of the assessment for the common fund, but he thought at the same time that the element of population ought to be added with the rateable value, and then they would have a satisfactory result. The Amendment which he had carried in the Select Committee, which the right hon. Gentleman had omitted from his Bill, and which he should move to restore, was to combine population with rateable value in calculating the share of each parish's assessment. Take the case of two parishes, each rated at £10,000 a year, but in which there was a population in the one case of 10,000 and of 1,000 in the other. The right hon. Gentleman proposed to assess both alike; but he (Mr. Estcourt) would assess one at £10,000 and the other at £11,000—that is to say, he would add to the rateable value £1 per head of the population. On the face of it, the parish which had the larger population would be likely to make a greater demand upon the common fund than the other. He contended, therefore, that the Resolution which he had carried in the Select Committee, and which he should endeavour to introduce into the Bill was required by the principle of common fairness. With respect to the accusation which had frequently been made, that cottages were pulled down, or were not built, because the landowners and farmers wished to relieve the parish of the poor rate—in his belief that accusation was utterly false. The real reason why such cottages were not built being, that as speculations they were not remunerative. Cottages were usually built by speculators, and it was asked why could not landlords do the same? The answer to that was, that the landlord refused to screw out of the cottager the same amount of rent which persons not connected with the land had no hesitation in doing. He thought, therefore, that the accusation which had been brought against the landowners in this respect was a most unjust one. They did not build cottages, not because they wished to avoid the introduction of a class of persons liable to become chargeable to the union, but simply because the building of cottages was not remunerative to them. It was said that the Amendment would not lead to any practical result. But even admitting that, he contended that it would be good policy to adopt it, because if they did not do so, all charges would be put upon the common fund; and if that were done, it would lead to union, to county, and even to national rating. No doubt there would be much theoretical benefit in adopting a national rate; but it would at the same time tend to much practical mischief, because it would entirely destroy the idea of responsibility, and the consequent wise and judicious management of the fund. It was exactly because we had small areas, and that every one in a neighbourhood knew the nature of every item he had to pay in the shape of relief, that such excellent results in the administration of the new Poor Law had been obtained. It was easy to say that the parochial system was a remnant of feudalism; but it lay at the root of the Poor Law, which, notwithstanding all the attacks that had been made upon it and all the obloquy that it had excited, had admirably fulfilled its object. With regard to lunatics, it had been proposed to place them on the common fund, because by so doing it was hoped that it would encourage sending them at once to the asylum, in which case they should stand a chance of being amongst the 75 per cent who were cured, if they were subjected early enough to proper medical treatment; whereas if the expense were left on the parishes they would be apt to keep them in the workhouses till their cases had become hopeless. When they went into Committee on the Bill he should have opportunities of explaining his views on all the points to which he might wish to address himself, and would not, therefore, now enter upon all the topics introduced into the Bill.

Sir JAMES GRAHAM said, he rose to make an earnest appeal to the House not to enter into a general discussion of the subject with the Speaker in the Chair, but to proceed at once to the Committee, when each individual clause could be discussed. He himself being responsible for a great change in the Poor Law, he naturally took a deep interest in the subject, and especially in the measure before the House, which would affect the poor as well as property, though they did not seem so directly represented in it. He had served on the Select Committee, and was under the full impression that they would go into Committee on it to-day; and although it was natural enough that the right hon. Gentleman the President of the Poor Law Board would make some explanation of the measure in moving that it be committed, he did not think the present time was a proper one to discuss its principles, and, therefore, he entreated the House to proceed at once to the consideration of the Bill in Committee.

Mr. HERBERT said, he had voted in Committee for the Resolution of the right hon. Gentleman opposite (Mr. Sotheron Estcourt) with respect to population, but he had done so under a misapprehension. He had been greatly influenced by the evidence of the right hon. Gentleman; but on further consideration he was satisfied that he had been in error.

Mr. KNIGHT said, he must protest against any attempt to choke discussion on a Bill, which went further than that of Mr. Baines, and which the country had not had an opportunity of considering. It had been read a second time at half-past one in the morning without a word of explanation as to its objects, and now they were asked to proceed with it without any discussion. The effect of the Bill would be to establish union rating in more than half the parishes of England in one year; and it would transfer many millions of property from the hands of one class to those of another. The real question was whether the poor were to be supported in small or large areas—in neighbourhoods, or in large masses? Large areas had often been tried and had always broken down. In the very first instance the Poor Law was established with petty sessional divisions. After a few years it was necessary to reduce the area to parishes; and even those were afterwards divided in some cases into townships. In Ireland and Scotland large areas had at first been tried and had signally failed. Those large areas had been reduced, and then the Poor Law had worked admirably. The House had actually passed a Bill that very Session for the purpose of dissolving combinations of parishes in Scotland. In Norwich, where forty-three parishes had been united for rating purposes in the reign of Queen Anne, the Poor Law had failed; and the City was more heavily taxed than any other part of the country. In the City of London, where the parishes were ridiculously small (some of them being only half an acre in extent) the Poor Law had not broken down. There were in fact in the City ninety-eight parochial staffs to look after the poor instead of one; and the work was, therefore, well done. Even the existing law of irremovability had worked ill. More out-relief was allowed to the union poor, and they were much worse attended to than the parish. There had been very few complaints of the Poor Law except from places like Norwich. In London the only complaints were from St. George's-in-the-East and Fulham, where the work-people, the dock-labourers, and the market gardeners, were paid, not by the day, or by the week, but by the hour; and the meaning of the outcry was that the public should pay their wages for them. Other parishes, even while they complained of the inequality of the rating, admitted that they had never paid so little. A union rating would not remedy their complaints, because there would be some which would only pay 6*d*., whereas others would pay 3*s*. 6*d*. or 4*s*. The case of overburdened parishes had altogether broken down. The worst case at starting was Spalding, but it turned out that the labourers from Deeping Fen carried into the town £10,000 a year in wages. Spalding had, moreover, all the retail trade of the district. The rateable value of the town had risen from £17,000 in 1815 to £66,000 in 1843, and the poor rate had been gradually becoming less, so that with all its grievances Spalding was growing fat. All the other cases had broken down in a similar manner. It would be far better, both for the poor and for the ratepayers, to extend the rating all over the kingdom at once, and have a national rate; for a national rate would be far less injurious to individuals than a union rate would be, and which, as he had pointed out, would effect an immense change in property, whereas from its greater diffusion a national rate would not. It was idle to attempt to smuggle the Bill through as a small measure, and he sincerely hoped that the House would not interfere with the five years' settlement.

Mr. LOCKE said, that he understood the right hon. Gentleman to say this Bill involved no great principle, and that any discussion upon it might take place on going into Committee. Now, it appeared that it involved great and dangerous principles, and was very much objected to by his constituents of the borough of Southwark, whom it would materially affect. The 1st Clause said the chargeability should be on the union; but in the borough of Southwark all the large parishes were unions of themselves. Where the Bill read "union," the people of Southwark read "metropolis." They complained that the poor lived, to a great extent, in their parishes, while those in other parts of the Metropolis, who enjoyed the benefit of their labour, paid nothing for their support. Legislation had driven the labouring classes into poor parishes, and to that extent benefited the rich. The Earl of Derby had over and over again called the attention of the House of Lords to the removal of numbers of poor by the making of railways; but by the metropolitan improvements many thousands of poor persons had been driven over the water, where there was space for the erection of a class of houses suitable for the poor. No less than 2,000 poor persons were removed when Victoria Street was opened up, and when the Dean and Chapter were remonstrated with, and asked, "What is to become of the poor?" the reply was, "That is their look out; they must go over the water to Lambeth;" and so, *nolens volens*, they were obliged to move. The same removal of poor was occasioned by other metropolitan improvements, commencing with Oxford and Regent Streets, while the same thing was about to be done in the removal of a large number of poor people's houses in the neighbourhood of the Strand, in order to provide for new law courts. It was not, therefore, necessary to travel down to Spalding and other distant places to point out the evil. All that the people of Southwark asked was that as legislation had created these evils, so legislation should provide a remedy. The Bill declared that a person should be irremovable after a residence of three years. This made matters worse, and his constituents, therefore, recommended that the area of rating should be extended to the whole Metropolis.

SIR JOHN PAKINGTON observed, that the Bill was one of great importance in three different respects, and required the careful consideration of the House. In the first place, it introduced union rating. Now union rating might be a good or a bad thing, but it was undoubtedly a change in the law of the country, and ought not to be introduced without a full and free discussion of the principle it involved. In the second place, the Bill involved the interests of the removable poor throughout the country, which was a matter of no slight importance. In the third place, it touched the interests of a much smaller class numerically, but still a class which, like every other class, was entitled to justice — he meant the proprietors of extra-parochial places; and it touched their interests in the face of a distinct pledge given by the right hon. Member for Kilmarnock (Mr. Bouverie) in 1857, that their interests should not be further interfered with than by the last Poor Law Bill. Those were all important questions, and it should be also remembered that the Bill passed the second reading at two o'clock in the morning, without any discussion, and in consequence of an appeal made by the Government, which was consented to by his right hon. Friend the Member for Wiltshire, on the clear understanding that before the Bill went into Committee its principle should be fully discussed. And now, when they had scarcely entered into the discussion the right hon. Baronet the Member for Carlisle, one of the most experienced Members in the House, proposed that all discussion should be stopped. He could not allow such a course to be adopted without saying that it was a most unusual one, would form a most objectionable precedent, and would make the House extremely cautious how they acceded to the wishes of the Government on an understanding which might not be afterwards adhered to. With regard to the merits of the Bill he had always taken rather a different view of the first question to that of a great many of his hon. Friends on that side of the House; for he had been disposed to favour the adoption of union rating, thinking it might be an improvement on their present Poor Law system, and, therefore, so far as that principle was involved, he was not inclined to take exception to it in the Bill. He was also of opinion that the five years' Act had proved a great and valuable boon to the labouring classes in this country; that it had worked extremely well, and accomplished the end for which it was intended. He raised no objection to the reduction of that five years to three, believing that it would be advantageous to a still larger class of people. With reference to the extra-parochial part of the question, all he asked was that the understanding which had been come to should be adhered to, and that burdens should not be thrown upon the proprietors which they could not be called upon in reason or justice to bear. On that point, when the Bill went into Committee he should move an Amendment.

SIR GEORGE GREY said, he did not see that the right hon. Baronet was justified in the observation that he had made in regard to the right hon. Baronet the Member for Carlisle. The object of the right hon. Gentleman was not to stifle discussion, but that the discussion should be attended with some benefit, and not prove a mere waste of time. He wished the full discussion should take place on the clauses, so that when they suspended their sitting they would at least have made some progress. He could not agree that there was such a change of principle as had been indicated, and at all events, as all the observations which had been made had reference to particular clauses of the Bill, they might as easily have been made in the Committee.

MR. WALTER said, he acquiesced in the principle of the Bill. He had always thought that union rating was a necessary consequence of the principle of union management, which was put forward as one of the principle advantages of the new Poor Law. He was no admirer of the new Poor Law, but the principle of union management which it introduced was a new principle, by which the old parochial system was broken up and demolished. It had always appeared to him that the area of rating should coincide with the area of management. Some hon. Gentlemen seemed to think that there was no ground to be taken up between national rating and parochial rating. He did not see the question in that light. If the area was not too large for purposes of management, why should it be considered too large for the purposes of rating? If the labour of the country was so equally distributed through all the parishes that every man lived in the parish in which he worked, there would be no difficulty in the case. But that was not so. The theory of the Poor Law was that a man was, or ought to be, relieved in a particular locality, not merely because he resided in that locality, but because he worked there. Now, the tendency of parochial rating in small parishes had been to discourage the building of small cottages, and to enable landlords to avail themselves of the labour of persons living in other parishes. That was a system opposed to justice and sound policy. He thought there was a great deal of force in what the hon. and learned Member for Southwark (Mr. Locke) had said when he urged that the Bill did not go far enough, and that the rating of the metropolitan parishes should be extended to some larger area—he would not say an area including the whole Metropolis, but certainly one going beyond the range of single parishes. With regard to the details of the Bill, he would make no remarks upon them till they went into Committee.

SIR JOHN SHELLEY said, that he did not think that the country or the House would object to the time that had been spent in discussing the principle of the Bill. Having had a considerable experience in the working of the Poor Law he thought that the principle of union rating would have a fatal effect upon rural districts. He did not understand the argument of the hon. Member for Berkshire (Mr. Walter) with regard to the Metropolis: for if the rating area of the Metropolis was to be extended at all, the whole Metropolis must be introduced, and he need hardly say what a state of things that would originate. The great inducement of guardians in rural districts to attend was to prevent the ratepayers from being imposed upon; but if the area was enlarged to the whole union that feeling would be greatly weakened. As to the Metropolis, if there was only one board of guardians, the work would soon become so onerous and so little honourable that it would practically fall into the hands of very few persons, and those probably not the best qualified for the task. If any one would move that the Bill be committed that day three months, he should give the Motion his most earnest support.

SIR WILLIAM JOLLIFFE said, the main principle of the Bill was to extend the beneficial influence of the law of irremovability, and the principal objection urged to it related to the question of rating. He thought that a point which could be very well considered in Committee. The Bill left Southwark in exactly the same position in which it now stood.

MR. W. E. FORSTER said, he was very strongly in favour of the Bill, which he believed would most favourably affect, not only the pauperised, but the non-pauperised portion of the labouring poor. It was a great hardship that there should be such a temptation, not to the landlords —who he believed would always resist it —but to the farmers of a district, to resist the building of proper houses for their labourers. No more fruitful source of demoralization existed than this system of open and close parishes. It seemed to him that the chargeable area should be made co-extensive with the employing area. There were reasons also which operated very strongly in large towns which made this Bill most desirable, and his constituents in Bradford had urged him to support it.

Sir HARRY VERNEY contended that the Bill would have a prejudicial effect on the labouring poor. There could be nothing more desirable than the improvement of the cultivation of the soil, and the Bill would militate against such improvement, because if two parishes were contiguous, and one was well cultivated and the other not, the one that was well cultivated would have to bear the burden of the badly cultivated one. They were all agreed as to the removal of the poor, but he hoped the House would not agree to the proposal for union rating. Indeed, he regretted that the right hon. Gentleman had not divided his Bill into two parts.

Mr. CAYLEY said, there were principles in the Bill that involved neither more nor less than confiscation, and the destruction of the principle of local self-government. The country was not prepared for a union rating, or for an equalization of rates. They were in point of fact by this Bill striking a blow at the root of the parochial system. The only grievance they had a right to complain of was the system of close parishes; but surely the right hon. Gentleman was ingenious enough to find a remedy for that evil without altering the whole incidence of the Poor Law. Therefore, considering that the Bill was one of an extremely dangerous character, he would give the hon. Member for Westminster an opportunity of opposing the present further progress of the Bill. He moved that the Bill be committed that day three months.

Mr. WARNER seconded the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—instead thereof.

Mr. HENLEY said, he was surprised that the proposition of the right hon. Member for Carlisle (Sir James Graham), to go at once into Committee, should have been supported by the right hon. Gentleman the Chancellor of the Duchy of Lancaster, because when the right hon. Gentleman, the President of the Poor Law Board, brought the Bill before them, he went minutely through every clause; but not content with that he did his best to pull the proceedings of the Committee all to pieces; and then, when it was proposed to discuss the measure, up jumped the right hon. Baronet, the Member for Morpeth, and said, "Oh, let us get on; you can discuss it very well in Committee." The right hon. Gentleman told them that there was not a single reason which was advanced in favour of the five years' irremovability which did not apply with tenfold force to the proposed three years' irremovability; but if so it would apply with fifty times more force to a proposition for irremovability, with no limitation as to the period of residence, and as sure as a stone set rolling on the side of a hill would roll to the bottom, the union ratings would extend to county ratings and national ratings. With irremovability they must necessarily have a national rate; but, as it had been well said, with a wide area it would be impossible to check pauperism. In a small area the employers did not discharge their workpeople in the winter months. Taking the Saturday night and the rate together, there was not that difference between the two classes of parishes which people supposed; and it was a singular fact that in what were called town parishes, where the rates were high, the rent of land was also high — a sufficient proof that there was more equality than was imagined. He really did think, then, that the House should take a little more time before they proceeded with the Bill, and should afford the country a better opportunity of considering the question. The Bill, indeed, had been so curiously managed that the country knew nothing at all about its nature and what its effect would be, and, therefore, he had had but little communication from his constituents on the subject. It would not be just and right to do away with irremovability to the extent proposed, without some shifting of the burden, and at present they had had no Returns to show how far the incidence of rating would be changed, and what had been called confiscation would take place. From a communication which he had had with the clerk of one of the boards of guardians of a parish contiguous to Oxford, it appeared that it would increase the proportion of the common charge of that parish from one-eighth to a third. Therefore, he did not think it either just or right to run such a risk as they would of ruining parishes, if they passed the measure in the absence of all information. It was an unsatisfactory thing that they were asked to pass a Bill on the mere faith of the Report of a Committee, when a Member of the Government immediately afterwards got up and pulled the Committee to pieces. As to a union rate it would make people wholly careless of what became of the poor. The area would be so large that it would induce a general carelessness, and labourers would be paid off even to half a day, and packed about their business with a total indifference as to what became of them. He was opposed to a national rating, and should be extremely sorry to see the parochial system broken up. For these reasons he should vote for the delay of the measure.

SIR GEORGE LEWIS: This Bill is only a Bill to facilitate the development of principles recognized in our existing laws, but as it has been said that the country and the House are ignorant of the grounds on which it rests I shall take the liberty of making a few observations regarding it. The first Act of Parliament referring to this matter originated with Sir Robert Peel, who stated, in bringing forward the repeal of the Corn Laws, that there were certain securities he wished to afford to the agricultural interest, and that one of these was the principle of irremovability. An Act was passed in 1846, by which a person residing for five years in a parish should be irremovable, but that Act did not in any way interfere with the law of chargeability as regarded the irremovable poor. In 1847 a Bill was introduced, which first established the principle that the relief of the poor made irremovable by the Act of the previous Session should be charged to the common fund of the union, and not to the parish. That Bill was afterwards extended by Mr. Buller to other classes of poor, including lunatics and the casual poor, and I may here state that the common fund was to be made up by assessments based on the average of relief given in each parish for the previous three years. Now, what are the changes proposed in the present Bill? The first change is to diminish the term of five years, which constitutes irremovability, to three years. That is a question of degree, not of principle. It is embodied in the Scotch law, where it is known as the principle of industrial residence. The right hon. Member for Oxfordshire (Mr. Henley) says that if you once make this change you will be led further, and will ultimately come to the abolition of all settlement. [Mr. HENLEY: I said, irremovability.] I consider the terms to be the same. The very essence of settlement is the power of removing a man from a place where he is now chargeable. I am so much a heretic as to wish to see the law of settlement entirely gone. I believe its abolition to be perfectly practicable and safe. There is no connection between the law of settlement and union rating; and the abolition of settlement is perfectly compatible with chargeability. According to the law of Ireland a poor person is chargeable to the electoral division in which he resides, and there is no law of settlement in Ireland. In this case Irish legislation has been founded on our English experience. The second change proposed by the Bill is that when a person has resided three years in a parish that residence will confer the benefit of a residence in the union. It will prevent him from being removed in many cases in which he is now liable to be removed. I am not alone in being an enemy to the law of settlement. Mr. Pitt, in 1796, declared himself to be opposed to what he called the "striking grievance" of the law of settlement, and if he had been allowed to legislate according to his own views, he would have abolished the law of settlement altogether, having founded his views, no doubt, on a well-known passage in Adam Smith's *Wealth of Nations.* The first two changes in this Bill, then, cannot be considered very dangerous. The third change is contained in the 9th Clause, and it alters the principle on which the union charge is calculated. The charge for the maintenance of persons on the common fund is diffused over the different parishes of the union. What the clause proposes is to calculate the common charge, not according to the average of three years' relief, but according to the valuation or absolute property of each parish. It is merely a change in the mode of calculating the constituent elements of the common fund, and it is, I admit, a fair question for the consideration of the Committee. Wherever there is a common fund raised there the advantage of an area having a unity of management will be experienced; and it seems to me a fair principle that you should make the charge equally on all the property of the union. I cannot subscribe to the doctrine that if we admit the principle of calculating the common fund in the way I have described it leads, by any logical or probable consequence, to the introduction of national rating, or rating on any large area. No person can be more strongly opposed to national rating, or even county rating, than I am, but I believe that a union rating is within a manageable area. I believe with the hon. Member for Berkshire (Mr. Walter) that there is an essential distinction between that and a larger area, and I cannot believe that the House of Commons will be deterred by any fear of national rating from changing the assessment now based on pauperism to one based on the absolute value of property. There are halting places between a parochial and a national rate which we may prudently occupy, and I hope that will be the opinion of the House.

MR. BARROW said, that the Bill proceeded altogether on the principle of union rating, and he objected to deparochializing the parishes as much as he did to national or county rating. It was quite fair that in the first instance a common fund had been raised on the averages of the individual parishes, because at that time they required money to build the workhouse, but what he objected to was that when the irremovable poor became union paupers the charge was still placed upon the parishes, instead of on the whole of the union. That was unfair in the highest degree, inasmuch as many of the parishes of different unions returned no average charges, and, therefore, escaped liability altogether. He thought they ought to go into Committee to remedy that evil.

SIR BROOK BRIDGES said, he believed that there would have been stronger representations on both sides of the House with regard to the Bill if it had been made more thoroughly known to the country. He considered that the present parochial system gave enormous advantages to the poor man, and that those advantages would disappear entirely with the enlargement of the area. The farmer would no longer continue his exertions to employ labourers all the year round, and he believed that this was the thin end of the wedge to introduce union ratings and extended area, which he looked upon as an unmixed evil, and, therefore, he should vote for the Amendment.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 187; Noes 44: Majority 143.

Main Question put, and *agreed to*.

Bill *considered* in Committee.

House *resumed*.

Committee report Progress; to sit again on *Monday* next.

Sir George Lewis

MOVEMENTS OF THE CHANNEL FLEET.—QUESTION.

MR. TORRENS said, he wished to ask the Secretary to the Admiralty, Whether it is intended that the Channel Fleet, or any portion of it, are to anchor in Belfast Lough during the cruise of the Fleet this Summer?

LORD CLARENCE PAGET said, that no orders had been issued to the Channel Fleet to put into any port in particular.

HARBOURS IMPROVEMENT BILL. QUESTION.

MR. GREGORY said, he would beg to ask the President of the Board of Trade, Why the Clauses which he intimated would be added to the Harbours Bill, to enable Harbour Commissioners in Ireland to borrow money for the Improvement of Harbours in that country, have not been added; and, whether any such Clauses were sent to the Irish Office for consideration; and, if so what course was taken there about them?

MR. MILNER GIBSON said, that the Government were desirous of extending the districts in Ireland to rate themselves, and so afford a security for loans under the Harbours Improvement Bill, and a Clause had been prepared for that purpose by the Board of Works in Ireland. It was afterwards sent to the Irish Law Officers of the Crown, and they saw a great deal of difficulty with regard to the question, because it would provide new areas of taxation; so that on the whole the Government had thought it better to give up the Clause, rather than delay the passing of the Bill. But so far as the measure itself went, whatever advantages were possessed by England would be extended to Ireland. The object of the Board of Trade was to extend a special advantage to Ireland, and he was sorry they had failed to do so.

PLANS FOR THE NEW FOREIGN OFFICE.—QUESTION.

LORD JOHN MANNERS said, he had on the Paper a Notice to ask the First Commissioner of Works, When he will submit the Gothic and Italian Plans for the new Foreign Office to the inspection of Members, and whether he will name a day on which the decision of the House on the question of style shall be taken? but since he had given notice of this question the right hon. Gentleman had deposited the

Italian plans in the Tea-room of the House of Commons; therefore, he would merely ask the right hon. Gentleman whether he still adheres to his decision not to exhibit some of the intermediate designs, which, he understood, have been viewed with considerable favour? He had a second request to make—namely, inasmuch as the number of new buildings was now so great, that his right hon. Friend, after communicating with the noble Lord at the head of the Government, will name some day for the discussion of the still disputed question of the styles?

MR. COWPER said, that the designs for the elevation in the Italian style recently made by Mr. George Gilbert Scott were now in the Tea-room. As the noble Lord also wished to have the Gothic plans, he (Mr. Cowper) had endeavoured to select those which he thought most calculated to meet the noble Lord's wishes. The last Gothic designs were now in the exhibition of the Royal Academy. Considering this, he (Mr. Cowper) thought the noble Lord might wish to compare those which originally obtained the premium. With regard to the time for taking this discussion, he thought the legitimate opportunity was when the House was called upon to vote a sum of money in the Estimates for these buildings. He (Mr. Cowper) could not say when that Estimate would be taken, but it would come on in its order, in proper course, in the Miscellaneous Estimates. Due notice would be given of the day when these Estimates would come on.

LORD ELCHO said, that at the present moment there were in the tea-room two designs—the Gothic design, which was originally drawn by Mr. George Gilbert Scott; and the Palladian design. There was also the amended Gothic design, and a round-arched Italian design; so that those who were in favour of the Gothic style might contrast it with the Palladian, and with the round-arched early Italian. The Gothic designs of last year were in the Royal Academy. Had the right hon. Gentleman any objection to exhibit the amended as well as the original Gothic designs if the Royal Academy would consent to their removal? Also would the right hon. Gentleman state with some greater degree of certainty the day when the Vote was likely to be taken in the Miscellaneous Estimates?

MR. COWPER said, with regard to the time when the Vote would be taken, he could only say it was the tenth Vote of the first class. The Votes would be taken in order, and when the ninth was disposed of, the tenth would come on; but how much time would be consumed in passing the first nine Votes was more than he could say. With respect to the exhibition of the designs, he would consult with his noble Friend, and endeavour to meet his wishes.

COMPULSORY REMOVAL OF POOR TO IRELAND—QUESTION,

MR. HENNESSY said, he rose to ask the Lord Advocate, Whether his attention has been called to an Order of the House for "Copies of all Informations and other Documents relating to the compulsory removal of Rebecca Kearney to Ireland from Glasgow;" and whether, inasmuch, as such Return does not contain the "Informations" and "Orders" required by Law in all cases of compulsory removal of poor persons to Ireland, he can furnish the House with any explanation on the subject?

THE LORD ADVOCATE said, he regretted that he could not furnish the hon. Member with the information wished for. In the Return of the Board of Guardians from the parish in Ireland he found a Resolution that the Poor Law Commissioners in Ireland should be requested to apply to the Board of Supervision for information respecting Rebecca Kearney. They had not, however, received any such application. He (the Lord Advocate) had applied to them, and they had informed him that her removal had been effected without their intervention. At that moment he did not know from what parish Rebecca Kearney had been removed, but as soon as he received information on the subject he would communicate it to the House.

THE GARIBALDI FUND.

RESOLUTION.

Order for Committee (Supply) read;

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. BAILLIE COCHRANE said, he rose to call the attention of the House to the proceedings of a society advertised as the Garibaldi Fund for the Unity of Italy, which was presided over by the hon. Member for the Ayr District of Burghs, while other Members of the House were on the committee of management. He intended no disrespect to the Members of the House whose names he should have to mention, nor did he desire to excite any angry discussion upon the affairs of Italy. The position of affairs in that country was much too critical for any hon. Member to desire to excite any great difference of opinion upon the subject, and it was on that account that he must protest against the conduct of certain hon. Members of that House in associating themselves with committees such as that to which he should have to refer. As to mere opinions upon foreign affairs, he might hold to old traditions and old monarchies, while other hon. Members of a more speculative turn of mind might prefer new alliances and young republics; but he trusted that the course which had been adopted by the committee, the conduct of which he was about to call in question, would meet with the reprobation of the noble Lord the Secretary of State for Foreign Affairs, who had recently on one or two occasions spoken of Austria in terms which were much more likely to be beneficial to this country than those which he adopted in the early part of last year. The advertisement of the committee to which he referred, and which appeared in the columns of *The Times*, was as follows:—

> "Garibaldi Fund for the Unity of Italy.—Committee:—E. H. J. Craufurd, Esq., M.P., chairman; W. Coningham, Esq., M.P.; J. Stansfeld, Esq., M.P.; J. White, Esq., M.P.; Gore Langton, Esq., M.P.; P. A. Taylor, Esq.; W. Austin, Esq.; W. J. Linton, Esq.; Frederick Lawrence, Esq.; W. H. Ashurst, Esq., treasurer; and J. Sale Barker, Esq., hon. sec."

It would go abroad that such a committee as that existed, and that Members of that House were members of it, and how prejudicial must that be to the interests of England in foreign countries! What were the objects of the Committee? The advertisement said—

> "The emancipation of Italy has yet to be accomplished. One step towards it was made by the annexation of Tuscany and the Æmilia to Piedmont. The expulsion of the Bourbons from Naples and the extension of the Constitutional Government of Victor Emmanuel to Southern Italy, formed the second step. It yet remains to free Venetia and install the Italian Government at Rome. To promote this end the above committee has been formed at the desire of Garibaldi, and will act in concert with the Central Italian Committee at Genoa. Its object is to collect funds, and, in Garibaldi's own words, 'to take whatever steps may seem advantageous for vindicating to the British people the aims of the Italian patriots, and otherwise promoting the interests and independence of Italy.'"

["Hear, hear!"] Hon. Gentlemen cheered that sentiment, and they had a perfect right to hold that opinion as to what might be for the interests of Italy; but what he protested against was that a committee composed of these gentlemen should raise subscriptions to be sent to a country with which we were in strict alliance, in order to rob it of part of its territory. Last year the subject of another Garibaldi Committee was brought before the House by his hon. Friend the Member for the King's County (Mr. Hennessy); and he would prove, from the observations which were then made by the Solicitor General and the late Attorney General, that at any rate this committee must be considered illegal. The hon. and learned Solicitor General said—

> "I do not deny that in the case of a foreign loan attempted to be raised here for the purpose of fomenting revolution in a foreign country in amity with us, the Court of Common Pleas, in an action on the contract, has held that the contract could not be enforced, being tainted with the character of illegality."—[3 *Hansard*, clviii. 1376.]

That was a case in point; a fund was being raised for the purpose of exciting revolution in a foreign country with which we were in alliance. The late Attorney General (now the Lord Chancellor) spoke more strongly. He said—

> "I quite agree, therefore, that according to the common law of England any subjects of the Queen who, either directly or indirectly, may supply money in aid of the revolt of subjects of any nation or Power with whom we are in alliance commit an offence at common law. . . . . An hon. Gentleman has said that the committee formed for the collection of subscriptions is open to an indictment for conspiracy. I must, however, observe that, according to the papers, almost the whole of that committee is constituted of foreigners. Now, I do not mean to say that the principle of the law does not extend its prohibition to all persons who are permanently resident in this kingdom, and who owe allegiance to, as they receive protection from, the Crown, but I do not believe that principle has ever been established upon authority."—[3 *Hansard*, clviii. 1381-1383.]

It was evidently the opinion of Her Majesty's late Attorney General that the committee then complained of was only not illegal because it was composed of foreigners, but that a committee of Englishmen would have been decidedly illegal. How much stronger was the case when the committee was composed of Members of that House? He would not for a moment go into a discussion of the merits or demerits of the King of Naples or those of the Papal Government. All he desired was that the principle of non-intervention should be carried out honestly and fairly. He simply said that we had no right to interfere at all in the matter. Suppose a subscription was being raised to restore to their country the Princes of the House of Orleans—a family which had endeared themselves to the people of England by the nobility of their character and their benevolence—would not representations be made by the French Government, and would they not be attended to by that of England? But then it would be said the Government of France was a powerful Government, and one with which we could not trifle. Again, suppose the members of the French Senate formed themselves into a committee to collect money to revolutionize Ireland or the Ionian Islands, would not the English Government insist upon such a committee being broken up? Let them act on the Continent upon the principles of justice, and adhere strictly to a policy of non-intervention. More especially was that necessary now, for what had been the state of Italy since the death of Count Cavour? They read in *The Times* the other day that twenty-three men had been shot at Syracuse, that two villages had been burnt by the Piedmontese, that all the inhabitants had been deported, and that five had been shot. Outbreaks were occurring in every part of Italy. The present state of things was at once the eulogy and the condemnation of Count Cavour. It was the eulogy of his abilities as a Minister because he, and he alone, with the aid of Garibaldi, produced the revolution in Italy. It was his condemnation, because every Italian paper now stated that no dependence could be placed on the stability of affairs in Italy. With respect to Sardinia, what had they to trust to? Hon. Gentlemen thought that they had the support of *The Times*, the most influential paper in this country; but, although that journal was now favourable to what was called Italian unity, it on the 2nd of March last thus described the conduct of Sardinia during the last two years—

"An able publicist may convict Sardinia of a gross violation of Vattel or even of higher authorities. Sardinia entered into a war against Russia, not being a party to the Treaties respecting the Porte. Sardinia provoked Austria deliberately, and Austria fell into the trap laid by her enemy. Sardinia took advantage of the popular commotion to annex Tuscany and the Legations, although the Grand Duke and the Pope had taken no part in the war of 1859. Sardinia invaded the Papal States without a declaration of war and under a shallow pretext. Sardinia connived at the expedition of Garibaldi, and reaped the fruits of his daring enterprise. Sardinia is probably now meditating how she can reduce the most ancient Sovereignty in Europe to a name, and annex the city of Rome to her rapidly extending dominions. Finally, she threatens an attack on an empire with which she made a solemn peace less than two years ago, and does not conceal her desire to wrest the Province of Venice from its legitimate master."

Every hon. Gentleman had a right to sympathize, if he chose, with the desire for what he (Mr. Cochrane) considered an impossibility—a united Italy; but with regard to a nation so important to this country, as the noble Lord had declared Austria to be, with whom we were so perfectly in accord as to wishes and objects that an eminent man remarked that the battles of Solferino and Magenta were as fatal to us as if fought on the soil of Sussex or Kent, he protested against any steps being taken to disturb what slight chance of repose existed in Northern Italy. The noble Lord's despatch to Sir James Hudson, written on the 21st of March, exhibited an admirable spirit. The noble Lord said—

"The obligations of the various States of Europe towards each other, the validity of the treaties which fix the territorial circumscription of each State, and the duty of acting in a friendly manner towards all its neighbours with whom it is not at war—these are the general ties which bind the nations of Europe together, and which prevent the suspicion, distrust, and discord that might otherwise deprive peace of all that makes it happy and secure. It is not without a purpose that I have made these general observations. My despatch of the 31st of August last need not here be repeated, but the sentiments there expressed continue to animate Her Majesty's Government. After the troubles of the last few years Europe has a right to expect that the Italian Kingdom shall not be a new source of dissension and alarm."

Those were excellent sentiments. But, on the one hand, while Europe entertained expectations with regard to the Italian Kingdom, Italy had a right to require that those occupying high places in this country should not conspire to raise war against a country with which we were in strict alliance.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

"The existence of any Society, formed for the purpose of raising funds to assist a revolutionary party in any Country with which we are in strict alliance, is inconsistent with the principle of non-intervention."

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Lord JOHN RUSSELL: It is hardly

necessary for me to answer the hon. Gentleman at any length. I thought some person who was more directly aimed at by the hon. Gentleman would have risen to speak with regard to this Garibaldi Fund. So far from being a revolutionary association, I believe the purpose for which the Garibaldi Fund was set on foot was to support the Italian Government. I cannot say that I approve of it, or that I think it desirable to maintain that society, but I really do not think it is a matter which requires the attention of the House at all.

Lord JOHN MANNERS: Do I understand it to be the noble Lord's impression that this society was formed for the purpose of maintaining the *status quo* in Italy?

Lord JOHN RUSSELL: I really know so little about the society that I am unable to answer the noble Lord's question.

Lord JOHN MANNERS: Perhaps the noble Lord will not think it beneath him to institute inquiries and satisfy his mind whether this is really an innocent society, or whether its object is to raise civil war in the dominion of a friendly Power?

Mr. SLANEY said, he thought inquiry perfectly unnecessary, as the Italian Kingdom had now been recognized.

Lord CLAUD HAMILTON said, he could not agree with the hon. Member, and he wished to point out one inconvenience which resulted to Englishmen from this direct violation of good faith, and the principle of non-intervention. The habit of foreign travel is known to be much improving, and to be most popular in this country. Many English families are in the habit of visiting the Austrian dominions, heretofore they had always been received with great courtesy and kindness, and were looked upon as friends and allies. But a great change has lately taken place. Since the establishment of societies, such as this one, headed by the five gentlemen already named, and since English travellers and writers have declared themselves to be such warm partisans of the enemies of Austria, and so openly express opinions antagonistic to the Austrian Government, and completely subversive of the existing state of things, they have ceased to be regarded as citizens of a friendly state. Recently an English gentleman and his family were exposed to great inconvenience. What was the history of the case? They wanted to proceed to a part of Austria little visited by travellers from the Kingdom of Sardinia, and, their baggage being subjected to a very close search, there were found among it some photographs of Garibaldi. [*Laughter.*] Hon. Members might laugh, but it was really no joking matter for English travellers, as this party found—for they were immediately surrounded by police and treated with the greatest harshness. He believed they owed all this discomfort to the hon. Gentleman and his four colleagues; for the subscriptions to the Garibaldi Fund were for the avowed purpose of creating civil war; and this English family having been led by their natural admiration for a very remarkable individual to possess themselves of his likeness, were exposed to the suspicion of being agents of this improper and revolutionary society. He believed hon. Gentlemen who had become supporters of this society were merely actuated by a desire to see their names figuring in the public papers with that of a great man; and if any of them regarded the matter in any more serious light he would ask, did they believe they were going to take the Quadrilateral? The noble Lord at the head of the Foreign Office must surely feel that existence of such a society was contrary to his own sense of good faith and honourable English feeling, and he trusted that he would take steps to put an end to such a nuisance.

Sir GEORGE BOWYER said, he felt it difficult to express in Parliamentary language his opinion of the answer which had been given by the noble Lord. Could he mean to tell the House as a gentleman that he believed the only object of this society was to maintain the *status quo* in what was now called the Kingdom of Italy? A great many things were publicly said under the guise of debating dexterity which he would pay the noble Lord the compliment of declaring that he would shrink from averring in private. The character of the society was stamped by the name which he bore—that of Garibaldi—the most aggressive man in the world. What danger threatened the Kingdom of Italy that it could be said this was merely a defensive organization? The noble Lord, surely, had not heard the advertisement, which stated distinctly, "It yet remains to free Venetia and to instal the Italian Government at Rome." If that did not mean aggression against the Emperor of Austria and the Pope there was no meaning in the English language. If the noble Lord heard the terms of the advertisement, he was still more astonished at the reply which he had ventured to give. We were at peace with the Courts both of Austria and Rome. It was true the Queen had no regular representative at Rome, but there was a diplomatic agent, a near relative of the noble Lord, who resided on the spot, and practically there could be no doubt that the Pope was recognized as the lawful Sovereign of his dominions. The Emperor of Austria had a representative in London, and we had one in Vienna. Now, he maintained, without fear of contradiction by the hon. and learned Solicitor General, that any person within these realms, whether actually subjects of the Queen, or but temporarily resident beneath her sway, who levied money for the purposes of aggression against any Sovereign at peace with the Crown of England was guilty of an offence against the law of England. He would not go into the question of the state of Italy, for he hoped before the Session closed they should have an opportunity of discussing fully and fairly the important events which had taken place in that country; but he must observe that the noble Lord, when he detailed what he believed to be the state of things in the Kingdom of Naples, spoke doubtless what he believed, though it was the reverse of fact. To prove what he said he would quote an authority hostile to the Bourbons and the King of Naples, and friendly to the Revolutionary party; and he would ask the noble Lord whether in the letters of *The Times*' correspondent, who wrote in the strongest manner, not only as a partisan but almost as an advocate, proofs of the grossest oppression were not visible, showing that Naples had been treated as a conquered country? It was perfectly untrue that the Piedmontese came as deliverers and were welcomed as such; everything which had transpired proved such a statement to be utterly false. They came there by false pretences, by treason, and corruption, and they kept down the people since their arrival by the rigour of military discipline and by the cruelty of military executions. They knew from the accounts sent home by *The Times*' correspondent, that there was anarchy in Naples and Sicily, and that in those countries there was no law at all. The loyal subjects of the King of Naples who endeavoured to maintain their rights were called "brigands;" but call them what they might, there was no doubt that the people were opposed to the Piedmontese, and that the latter had shot scores—hundreds of men for no crime but loyalty. It was equally certain that the prisons were full. One viceroy after another had been sent from Turin to keep the peace in those countries, and yet there was no safety for life or property. That was the liberty which the noble Lord's friends had brought to the people of Southern Italy; that was the freedom which that people were forced to accept by the bullet and the bayonet. That the votes for annexation were mere folly and delusion was perfectly well known. The noble Lord was aware of it. He knew that they were worth as much as, and not more than, the votes received for the annexation of Nice and Savoy. Everything which had happened since the annexation itself showed how worthless was that ceremony of taking votes, and that the votes themselves did not express the feelings of the people. All that had occurred since showed that the people desired the return of the Sovereign, and they would yet see his return. The people were at present very cruelly treated; and, therefore, his observations bore directly on the Motion of his hon. Friend, because they went to show that if hon. Gentlemen to whom the Motion alluded were banded together for the purpose of aiding in the further conquest of Italy by the Piedmontese, they were banded together to extend the same system of cruelty, dishonesty, and revolutionary aggression which now prevailed in what was called the Kingdom of Italy, in Sicily, and Naples. The state of things now existing in the South of Italy could not last, and ought not to last. It was impossible to know anything of what was going on in that part of Europe without feeling that it could not last.

THE SOLICITOR GENERAL said, that with sincerity he could say that he was as ignorant as his noble Friend had professed himself to be of the organization, combination, and objects of the society to which particular reference had been made; but he must observe that the proposition contained in the Motion before the House was not directed in form, and ought not to be regarded as directed, against the particular society to which the hon. Member for Honiton had thought fit to call the attention of the House. It was what might be called an abstract proposition of international law, and it was to this effect—that the formation of any society established for the purpose of raising funds to assist any revolutionary party in any country with which Great Britain was in strict alliance was inconsistent with the principle of non-intervention. He ventured most humbly to express his opinion that it would be a mistake of the House to discuss that abstract question, and that it would be a still more grievous mistake for them to arrive at any such conclusion as that to which the hon. Gentleman invited them. The discussion of such a question could not possibly be attended with any good results, while it might be productive of the greatest mischief. By passing a Resolution to the effect suggested they would be simply and spontaneously giving a handle against themselves to foreign Governments. It was not the function of the House of Commons to be debating or deciding abstract propositions of law of any kind. There was much more useful business to which the House could apply themselves at the present moment; and whatever opinion he might entertain he would not be drawn into an expression of opinion on that abstract proposition.

Mr. HENNESSY observed that the hon. and learned Gentleman, however, unwilling he now appeared to be to vindicate English law, was certainly drawn into an expression of opinion on the subject last Session. The Solicitor General then told them what his opinion was; and when he (Mr. Hennessy) ventured to question the judgment of the hon. and learned Gentleman, every lawyer who took a part in the debate coincided with him in the opinion that the hon. and learned Gentleman had not pronounced what the law of England was on this important subject. Seeing that, for his part, he could not bow to the decision of the hon. and learned Gentleman, that this was not the time to discuss a question of this importance. He thought it was a fitting time; for they had had hon. Members of that House, they had had Ministers on the Treasury bench, upholding the doctrine that they might wage war against a State with which the Sovereign of Great Britain was in amity, and wage it in the most cowardly and underhand manner. That was a question of the deepest importance. He confidently stated again, as he had stated before, that the people of the South of Italy were in a state of siege—that martial law was in operation against them, and that the proceedings which had led to that unhappy position of affairs had been, to a great extent, promoted by the acts of this country. He thought it was of great importance to ascertain this—whether the gentlemen who were subscribing money for Garibaldi were subscribing money to oppress the people of Southern Italy. He had on two or three occasions asked the noble Lord to give the House whatever information he possessed about what was called the reactionary feeling of the people of Southern Italy. He certainly had not made a Motion; but he had asked the noble Lord for the papers on that subject, but he had not laid them on the table. It appeared to him that, on a matter of such grave importance, information ought not to be withheld by the Government. However, in the absence of information from the Government, they had been supplied with some by the correspondent of *The Times*, and he should quote a few passages from the letters of that gentleman, as they were the only authority they had in addition to the private letters which some hon. Members were in the habit of receiving. In quoting *The Times* correspondent he would be citing the authority of one who wrote in a spirit antagonistic to the ancient institutions of Italy, and in favour of the Piedmontese policy. There were three particular stages of the revolution described in the correspondence to which he would ask the attention of the House. With reference to the popular feeling towards the King of Sardinia, *The Times* correspondent, under date November 23, used these observations, in speaking of his Majesty's entry into Naples—

> "The unfortunate wretches cry out they are being invaded. This cry is eagerly taken up by the Tuscans and Lombards. Victor Emmanuel has not made that impression on the minds and hearts of the Neapolitans which might have been desired. . . . . It is a misfortune that it should be so in a man who presents himself in the new character of King of Italy."

Alluding to the King's departure, the correspondent, in his letter of the 1st of December, remarked—

> "The *Renown* and *Hannibal* fired a Royal salute to Victor Emmanuel. The bowsprit of the Admiral's vessel was manned. . . . . A few Neapolitans assembled in Santa Lucia to gaze, as it were, on a pretty sight. But there was no life, no enthusiasm. . . . They are still in their shrouds. . . . . A pretty *danseuse*, with a good ankle, would have driven them into fits."

When a united Italy was proclaimed, and the people were told that for the first time they were free, how did they manifest their joy? In his letter of the 4th of June, the same correspondent stated—

> "The national *fête* is over, and were I an Italian, as, thank God, I am an Englishman, my blood would be at freezing point. This is strong language to use; but I get disgusted with the apathy and puerility, the impatience, and the egotism of the people, and long to seize them by the shoulders and shake them into some kind of life. . . . . Early in the morning the ships in the harbour were dressed. The forts and vessels of war fired salutes, in which the *Exmouth* joined, at midday, and the people were fairly in for their rejoicings. I went through the city to mark how far the counsel of the syndic to the inhabitants to hoist flags had been followed. Long rows of streets exhibited scarcely a banner. The Toledo had a fair sprinkling, and so had some of the side streets leading into the great artery. I remarked another fact, too, and it was that in private houses, with one or two exceptions, no preparations had been made for the illuminations, or, if any, just such as conventional usages appointed."

The next extract which he would read to the House was one from a letter which had appeared in *The Times* within the last day or two. The House would recollect that it was not more than about six months since General Cialdini, when invading the country, proclaimed that he would shoot all who might be taken in arms fighting for their King. *The Times*' correspondent, however, in that day's paper (June 28), stated that the reactionary movements were increasing. He said—

> "The reactionary disturbances—call them by whatever name you please—occasion much disquietude and increase in audacity. . . . . . There are many here who affect to ignore or pooh-pooh them (though they admit their frequent occurrence) by saying that the bands are small and are always put down. Yet, however small they may be, they are found more or less in all directions; they increase and multiply, and show a general dissolution of society. . . . It was not long since the Piedmontese were repulsed in an action with these *canaglia*, and we have reports continually of the members of the National Guard being shot, and lately a small detachment of them was massacred. . . . . Within the last few days the audacity of the bands has been shown within a few miles of the capital."

In a discussion of this kind hon. Members may be reminded of an attempt at a subscription for the Italian cause, got up not in London but in Italy. How had that subscripton succeeded? He would refer hon. Members on this point to the same authority — *The Times*' correspondent—which ought to be regarded with so much veneration by hon. Gentlemen opposite—

> "Dukes have put themselves down for 3*s*. 6*d*., Ministers (Piedmontese), at the most, for £1; and the vast majority of those whose voices were making the welkin ring with their sympathy and admiration of their brothers have not been ashamed to write themselves down for 4*d*., 6*d*., 8*d*.—aye, for the '*feriti di Garibaldi*.' The sum contributed cannot have been great. I cannot tell the gross amount; but I have seen published lists, and they have been formed in the way I have described. I have no hesitation in saying that the foreigner has shown ten times the amount of substantial sympathy that the Neapolitans have shown."

He met some English Garibaldian officers in Italy, and he heard one of them, an officer occupying a post of high authority, say that he was never more mistaken than he had been about the feeling of the people. He said that there was but one sentiment, indeed, among them, and that was detestation of the Piedmontese. Reference had been made to the presence of the British fleet; but when so much was said about the British policy of non-intervention, he must tell the House a story he heard, but for the precise accuracy of which he could not of course vouch, namely, that an aide-de-camp in the British Garibaldian's Legion, was in daily communication with General Garibaldi on the one hand, and the British fleet on the other. The aide-de-camp in question was the eldest son of a Cabinet Minister, who presided over the department of the Admiralty. That the eldest son of one of the Queen's principal ministers should have acted as a military secretary or aide-de-camp to a Colonel in the Garibaldian Legion, and should still have held his commission in the 4th Dragoon Guards, was not creditable to Her Majesty's service. He regretted that the English people should thus take any share in the oppression of the people of Southern Italy, and he hoped that discussion would do something to inform and modify public opinions on the subject.

MR. SERJEANT PIGOTT said, he should like to know what the House was called upon by this Resolution to do? Was it called upon to express its sympathy with the Governments of Austria and Rome, or to affirm some plain constitutional principle, or was it intended to urge the Government to set the detective force to work to get up evidence for a political prosecution against the supposed offenders? He thought that the noble Lord and the hon. and learned Gentleman the Solicitor General had acted with sound judgment in refusing to be drawn into a discussion on the subject. If hon. Gentlemen opposite thought that the society ought to be prosecuted, it was open to them to collect evidence, to prefer a Bill before a Grand Jury, and to get a common jury, if they could, to convict. Those hon. Gentlemen might sympathize with Austria or Rome as much as they pleased, but they would never induce an English jury to convict any one brought before them for subscribing to such a society.

SIR JOHN WALSH said, he thought it would be extremely difficult for the Government to interfere with advantage in the matter, or to institute a prosecution against the society. But the Government might interfere in an indirect manner—by the more open and decided expression of their opinion in that House against a course of conduct and policy on the part of private individuals which seemed likely, if it became general, to involve the country in great difficulties with foreign Powers. The tendency of that and all similar proceedings was to compromise the character of the country, and render England unpopular on the Continent. A great moral responsibility, therefore, rested on persons who set up this sort of private society to carry on a kind of buccaneering expedition. He trusted that they would succeed in eliciting from the Government some strong expression of disapprobation of that kind of private war-making. It was in itself a breach of the common law of the country, it led to a breach of the law of nations, and might mix up the country in a foreign struggle which it might be our wish and policy to avoid. Suppose a society of the same kind was to arise for the purpose of taking a part one way or the other in the delicate and difficult questions now at issue on the other side of the Atlantic. In the present state of exasperated feeling against this country which at the present moment existed so causelessly in the Northern States, what would be said if a society, headed by a Member of Parliament, and containing other representatives of the people among its members, evinced a disposition to interfere on one side or the other? Why, such a society would defeat the whole policy of the Government, and probably plunge the country into a disastrous war. A course of conduct which would be wrong in that case was equally objectionable in the present instance. A policy of non-intervention in Italy was, he believed, the policy of England, and individuals were bound to concur in that general policy.

MR. CRAUFURD said, he did not suppose that the House would follow the course which it was now called on to take; and if the society to which he had the honour of belonging was so heinous in its character, the proper course of proceeding would be that which the law pointed out. The hon. Member for Honiton (Mr. Cochrane) drew attention to a particular society, and asked the House to pledge itself to an abstract Resolution, which impliedly seemed to impute revolutionary designs to that society. The hon. Member, however, had stated no facts against the society, and, if the hon. Member had, he would not have entered upon his defence in that House, for it was not his duty to implicate the House in any expression of feeling, either of sympathy or otherwise, with reference to the policy which as a private member of society he thought proper to pursue. He felt grateful to the hon. Member for having so effectually advertised the society while laying no ground whatever for a Resolution condemnatory of it. He believed that the House would not be willing to entertain the suggestion made by the hon. Member, in language so vague and general that, if affirmed, it could lead to no practical result.

MR. HENLEY said, that if the Amendment moved by the hon. Member for Honiton were not withdrawn the House would be placed by it in rather a curious position. Hon. Members had listened to a speech and had heard an advertisement read, but he could not connect the Amendment with either one or the other. The few lines of which the Amendment consisted appeared to express something very like a truism, and he did not know whether the Government meant to negative that truism.

LORD JOHN RUSSELL explained that the Government would vote in favour of the question that the words proposed to be left out of the original Motion—namely, that the Speaker leave the chair—should stand part of the question.

MR. HENLEY observed that that was a way of getting rid of the difficulty by a sort of side-wind, but it was very like negativing a truism. In the existing state of things in the world he certainly did not think that it would be a very convenient course to negative a proposition such as that before the House, but upon the whole he thought it would be a good thing if it could be got rid of by a side-wind, in consequence of the way in which the question would be put.

MR. MALINS said, he concurred with the hon. Member for Radnorshire (Sir John Walsh) that there was great inconvenience in the establishment of societies of the description referred to. He much regretted, therefore, that his hon. and learned Friend the Solicitor General should last year have given it as his opinion that such societies were not absolutely illegal. He was glad to find that his hon. and learned Friend, who was undoubtedly a year older, had also become wiser, and had found out that it was no part of his duty to answer abstract principles of law. His sympathies were strong with the Italians in their attempt to maintain their liberties; but he supported the principle of the strictest non-intervention in these matters. He asked, however, if societies were formed to collect subscriptions to aid particular parties struggling in a foreign country, whether it could be said that strict neutrality was preserved in this country? Supposing such things to be permitted, societies might be established here avowing themselves the respective partizans of the American Northern and Southern States, and the result might be a struggle between the contending parties in this country. If the present proposition went to a vote he felt it would be impossible to negative a truism; and he thought the course suggested by the noble Lord would be the proper course to adop , but he trusted that the hon. Member for Honiton (Mr. Cochrane) would not insist on going to a division. The best way to avoid all misconception on the subject was, he thought, that his hon. Friend should withdraw his Motion.

THE SOLICITOR GENERAL, in explanation, said it was a mistake to suppose that he had at any time pronounced an opinion in public as to the legality or illegality of such societies as those in question.

MR. BAILLIE COCHRANE said, he would withdraw his Motion in deference to the general feeling of the House.

Amendment, by leave, *withdrawn.*

BUSINESS OF THE HOUSE.

VISCOUNT PALMERSTON: Sir, I wish to take this opportunity of calling the attention of the House to the present state of public business, and in doing so hon. Members will not, I trust, think I am unduly interfering with the course of that business which stands for this evening on the paper. We are now come to the 28th of June, and there remain, I believe, 200 Votes in Supply yet to be disposed of, besides which there a great many Bills of considerable importance, and which it would be very undesirable to drop owing to the circumstance that the House had not sufficient time to deal with them, still awaiting our consideration. So far as the Votes in Supply are concerned it is not, of course, for the Government to suggest to hon. Members the expediency of suppressing any observations which they may deem it to be their duty to make whenever the rules of the House admit of their doing so, but I would at the same time remind them that each of the last two Votes in Supply occupied the greater portion of an entire evening, and that if it should be thought necessary to discuss the remaining 200 Votes at equal length, a considerable amount of time must obviously elapse before we can bring our labours in Supply to a close. Now, the only conclusion whichI wish to draw from that statement is, that when the Motion that you, Sir, leave the Chair in order that the House may go into Committee of Supply is made, it would be desirable—except, perhaps, on Fridays, for of those days I will not say anything, inasmuch as they are avowedly set apart for those amateur discussions in which we hebdomadally indulge—that hon. Members should refrain from interposing Motions except they happen to relate to matters of really urgent importance or are of a nature which may reasonably be expected to lead to some practical result. Mere statements of opinion on general questions it would, I think, be for the advantage of the public business, on those occasions, as far as possible to avoid. I may add that there are now lying on the table Bills of great public utility which it would be very undesirable that we should not pass this Session, and if, owing to protracted discussions on going into Committee of Supply, those Bills should be thrown over to a very late period of the Session, many hon. Members will complain—and not, perhaps, without some reason—that they are called upon to deliberate upon important measures at a time when the attendance in the House is small, when those who are interested in the business under discussion are away, and they will in all probability urge on the Government the postponement of those measures to another year. That course being, as a matter almost of necessity adopted, the House of Commons as a body, and the Government as forming part of it, are reproached with having done nothing, and with having allowed the Session to go by without passing any measure of great public utility. That, however, is, in my opinion, a reproach which is very often unjust so far as the Government are concerned, and which is not, I think, quite fair as far as regards the House of Commons in the aggregate. Hon. Members will, I trust, excuse the liberty which I have taken in making these suggestions, and will be as sparing as possible in the exercise of their privilege to raise discussions upon the Motion for going into Committee of Supply.

Mr. BLACK said, he was of opinion that the noble Lord had not made the observations which had just fallen from him one day too early; and, as an example of the necessity for adopting the advice they contained, he might refer to the inconvenience to which he, as well as other hon. Members was subjected, by the circumstance that public business of importance was not proceeded with—owing to the interposition of Motions on every variety of subject—in the order in which it was set down on the notice paper. That very evening no less than fifteen such Motions stood in the way of the House going into Committee of Supply, while upon the last occasion on which the order for Supply stood at the head of the list a single Motion, the discussion of which occupied five mortal hours, but ended like a flash in the pan, intervened to the detriment of the public business, while a most important measure, the Scotch Industrial Schools Bill, could not be brought on until just a quarter of an hour before midnight. Now, he had heard it advanced as a charge against the Government that they did not take steps to keep a House on those occasions; but he could quite understand how it was that hon. Members kept away in the early part of the evening when they knew that the really important business set down for consideration was not likely to come on until an advanced hour of the night. There, were, he might add, on the 21st ult., twenty-nine Motions on the paper on going into Committee of Supply, of which eleven stood in the names of Irish Members—a fact which showed how zealous they were in the discharge of their Parliamentary duties. He trusted, however, the remarks just made by the noble Lord would have some effect in making hon. Members somewhat more chary of bringing forward such Motions, while he would also express a hope that hon. Gentlemen would endeavour to compress their addresses to the House within as small a compass as possible.

Mr. VINCENT SCULLY said, he did not think that Irish Members had taken up any undue share of the time of the House. The noble Lord said that there were still 200 Votes of Supply to be taken. He (Mr. Scully) at the end of last Session gave notice of a Motion, which was placed on the records of Parliament, that all the Votes ought to be taken before the 1st of May, but he had not seen any attempt on the part of the Government to bring them forward. The noble Lord had, with his usual tact, selected the time for making the suggestions which had just fallen from him most admirably, seeing that while every word which he had uttered was sure to go forth to the public, there was not a single Member sitting on the front Opposition bench, and the only distinguished Member of the Opposition (Mr. Henley) present was actually walking out of the House. Indeed, the only undoubted supporters of the Conservative party upon whom the noble Lord on looking across the table could fix his gaze were the hon. and learned Member for Wallingford (Mr. Malins) and the hon. Member for Cambridgeshire (Mr. Ball), so that it might very fairly be said there lay before him a perfect vacuum. With such a prospect to encourage him the noble Lord was kind enough to concede to private Members the privilege of indulging themselves on Fridays, while the other days of the week he wished to absorb for Government business. As the Government did not support his Motion for inquiry into the evictions, the matter would have to be brought forward in another form. He had another very important notice to bring forward on going into Committee of Supply. It was to move for a Select Committee to inquire what was the best mode of securing authentic and accurate reports of the debates in the House. Nothing could be more ridiculous and absurd, for instance, than the reports in the morning papers of the debate on the Indian Bills last night. It was impossible to conceive anything more imperfect or contrary to what really occurred. That was clearly a very important subject, and he could not understand why the noble Viscount should wish to shirk a debate on it. In the absence of hon. Gentlemen opposite he protested against the suggestion that Members should give up their independent Motions, and allow the Government to do what they pleased.

Lord JOHN RUSSELL: Sir, I hope the House will attend to the speech of my noble Friend, and not to that of the hon.

Member who has just spoken. I cannot help being struck with the great change which has take place in the proceedings of this House, more especially in regard to Supply. It is, no doubt, the true constitutional doctrine that hon. Members have a right to discuss any matter of grievance, important questions of any internal or external policy, before going into Committee of Supply, but that principle has been employed in order to introduce abuses, which, I think, cannot be allowed to exist any longer. The very purpose of Supply is defeated by these interruptions. The hon. Member for Lambeth (Mr. Williams) has said very often and very truly that there is nothing more important in this House than the Supplies by which all our great establishments are maintained, and which are the cause of the burdens which the country has to bear; but, if these questions do not come on till half-past eleven or half-past twelve at night, it is quite impossible that they can be discussed. The hon. Member for Lambeth and others who take an interest in these matters are either obliged to make speeches in an impatient House, or to give way to a Vote against which they have many reasons to allege. This is, perhaps, the most important business which the House has to perform, and yet it is entirely set aside, not in order to consider some important grievance or grave question of policy, involving possibly the existence of a Government, but in order to discuss some question of detail which might be brought forward on a notice day, and which probably is hardly worth the attention of the House at all. I have a very strong impression on my mind that, although the Committee which sat early in the Session did not think it desirable to recommend the change, the time will come when that good practice will be extended to Supply which prevails with regard to Bills; that, after the House has once gone into Committee on a Bill, when the Order of the Day is read, you, Sir, should immediately leave the Chair on the question of Progress. If the House knew that at five or six o'clock the Committee of Supply would come on, and that certain items would be considered, hon. Members would be in their places prepared to discuss them. Some process of that kind must certainly be adopted if the House means to maintain its character and to resort to its old mode of proceeding. There are days for notices when private Members can bring forward their Motions. There is another point of material importance which deserves to be mentioned—I mean the introduction of Supply at an early period of the Session. There are certain forms and proceedings which take up about ten days at the beginning of the Session, and which, according to an old constitutional maxim, require to be gone through before the House can deal with the Estimates. I think, however, that on the second day of the Session, on the Report of the Address, the House might pass the Resolution "that a Supply be granted to Her Majesty," and that the Estimates might then be printed. The House having seen the Estimates would proceed to provide for them. I am persuaded that some thorough amendment of the present practice is required, not to introduce innovations, but to re-establish the old mode of proceeding.

Lord HOTHAM said, he entirely concurred with the noble Lord at the head of the Government in lamenting the state of the public business during the present Session. The remedy he had to propose had, in the main, been anticipated by the noble Lord the Foreign Secretary—it was that immediately on the meeting of Parliament the Estimates should be laid on the table. If the House thought it desirable that the Estimates should be proceeded with earlier than usual, there would, he apprehended, be no difficulty in accommodating the constitutional forms to which the noble Lord had referred to so beneficial an arrangement. At present the first ten days or fortnight of the Session were always completely wasted, and the Army and Navy Estimates were not commenced till near Easter, when the renewal of the Mutiny Bill rendered it necessary that certain Votes should be passed; and, having got the large Votes, the Government allowed the consideration of the small to be set aside for other business. The result was that when the remaining Estimates were brought forward, there was no possibility of procuring the attendance of those Members who ought to be present when they were discussed. He had never heard any reason why the Estimates should not be presented on the meeting of Parliament. That would be certainly more convenient for the Government, as the attendance of Members would be comparatively small, and the Votes would be passed with less delay. It was said that much delay was caused by Motions upon going into Committee of Supply. At the commencement of a Session hon. Members wishing to make Motions naturally expected that opportunities for making them would be afforded, but, as the Session advanced there was great difficulty in bringing on Motions upon the regular days, and thus Members were driven to the necessity of making them on going into Committee of Supply. Having regard to the desirableness of getting through the Estimates at an early period of the Session, and at the same time looking at the importance of allowing opportunities for a full discussion of them, and further considering that nothing tended so much to delay the general progress of business as the uncertainty which prevailed as to the precise time when particular business would be taken; upon all these grounds the question was well deserving of attention whether some arrangement should not be made for improving the mode of conducting business in that House. With respect to another part of what had fallen from the noble Lord the Foreign Secretary, he must say he should view with great jealousy any attempt to curtail those opportunities for discussion of which every Member had a right to avail himself. The time might come when some such step must be taken, but he should be adverse to adopting a new rule which might abridge the safeguards possessed by a minority against an overbearing majority of the House, unless the most absolute and imperative necessity could be shown for it.

Mr. WHITE thought the time had arrived when the House would be compelled to assent to a curtailment of what were called the privileges of the House, and to allow the allocation of one day for the purposes of Supply. He regretted to say that, judging from the experience he had had of the temper of the House, and the flood of talk with which they were deluged, he despaired that either of the recommendations of the noble Lords would have the effect of abolishing what had become an acknowledged nuisance. Those who, like himself, were constant in their attendance in the House felt as irksome, and, indeed, intolerable, the opportunity which the Motion for going into Supply afforded for the utterance of much that was neither useful nor creditable to that House. If it should happen that any event occurred which would render it necessary that the attention of Parliament should be immediately directed to the subject, there could be no difficulty in suspending the Standing Order, which appropriated a special day for the purposes of Supply.

Mr. E. BALL said, that the noble Viscount at the head of the Government had complained, and very properly, that there was so much matter not immediately connected with the business of the House before it, that the effect was to retard its progress, and thereby to inflict injury on the public service. The hon. Gentleman opposite (Mr. Vincent Scully) had also complained that those (the Conservative) benches were generally nearly empty. If that complaint were true, it only proved that they, at all events, did not cause delay, and they stood completely exonerated from the complaint made by the noble Lord. The hon. Gentleman who had just sat down despaired of any remedy being found for the evil of which the House complained. Now, there were two very simple remedies which be applied. If the ordinary mediums of communication between that House and the public would occasionally give to the country verbatim reports of the speeches delivered, not polished up, without giving sense to that in which there was no meaning, without adapting to the rules of grammar all that was ungrammatical, they would put a damper upon those hon. Gentlemen who were notoriously guilty of occupying much time in an unprofitable manner. He would also suggest that any hon. Member speaking in a debate should be compelled to remain in the House until the debate was closed. The Conservative Members of that House had not been inattentive to public business, as the division lists would show. Upon the various measures connected with the Budget they had omitted no opportunity of discussing those important matters, but when great items of expenditure were settled by the decision of the House, they did not conceive it to be necessary for them to attend continuously to discuss details for which the Government were responsible. Indeed, it was impossible for them to do so when they were required to serve upon Committees, which, instead of affording—as was sometimes believed out of doors—large emoluments, only occupied their time and increased their labour.

THE SUEZ CANAL.—EXPLANATION.

Mr. DARBY GRIFFITH said, he rose to explain a misapprehension which had arisen as to some observations which he made a few nights ago upon this subject. He then stated that one of the objections urged by the noble Lord at the head of the Government against the canal was that it would give foreign nations a start on the road to our Indian possessions. He had in a public journal been accused of having, in making that statement, misrepresented the noble Lord. To clear himself from that imputation he would read a statement made by the noble Lord on the 17th of July, 1857, which was to the following effect:—

> "In a political point of view it is objectionable as regards England, especially in connection with our Indian possessions; for it is plain that if a great canal were cut from the Mediterranean to the Red Sea there are other naval Powers with which we may have difficulties, which would have a very important start as compared with ourselves with regard to any operation that might be undertaken in the Indian Seas."—[3 *Hansard*, cxlvi. 1705.]

Main Question put, and *agreed to.*

SUPPLY—ARMY ESTIMATES.

House in Committee, Mr. MASSEY in the Chair.

(In the Committee.)

Motion made, and Question proposed,

> "That a sum, not exceeding £261,014, be granted to Her Majesty, to defray the Charge of the Educational and Scientific Branches, which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

MR. G. W. HOPE said, he did not propose to enter into a discussion of the new plan of education to be pursued at Sandhurst, but it must be obvious to the Committee that if they granted money to carry it out they would make themselves parties to the plan, and be responsible for it. They were, therefore, justly entitled to ask for full information, and he desired to know when papers would be produced, showing how the money voted would be expended?

MR. T. G. BARING said, the detailed regulations, which would show in every particular what the new system of education would be, were nearly completed, but had not been submitted to the Queen for Her approval. If approved they would be published, and laid before the House. That course would take only a few weeks, and then any hon. Gentleman who objected to the arrangements would have an opportunity of calling the attention of the Government to his objections.

MR. G. W. HOPE said, he desired to know whether the hon. Gentleman would give a pledge that the money voted the other night should not be expended in the meantime?

MR. T. G. BARING said, that on a former occasion he offered to do so if the House would follow the course he then proposed. It refused to agree to his proposition, and he was now not prepared to give any such pledge.

MR. MONSELL asked why the age at which cadets were to be admitted to Woolwich had been altered?

MR. T. G. BARING said, that in accordance with the opinion of the Committee of Council on Military Education, the *maximum* age at which cadets could be received into the College had been fixed at nineteen instead of twenty years as formerly.

MR. MONSELL, with great respect for the Council on Military Education, must say he differed very much with them. The system hitherto had been entirely successful. It was notorious that the Universities were great feeders of the Military Academy, but the change of the *maximum* age from twenty to nineteen would practically shut out young men at the Universities, and he understood there had been a strong protest from Cambridge on the subject. The subject had been brought before the House of Commons some four or five years before, and the House refused by its vote to agree to the change now made by the Government, and he believed there had been something like a pledge on the subject. He believed it was an effort on the part of the Government to defeat the new system of examinations, and he for one protested strongly against a course which would lead to disastrous results.

MR. T. G. BARING said, he would promise to consider the subject. He was not aware that any pledge had been given by the present Government.

SUPPLY—ARMY ESTIMATES—ROYAL HIBERNIAN MILITARY SCHOOL.

MR. MAGUIRE said, I am most anxious, Mr. Massey, to spare the time of the House as much as possible, and personally to avoid making an undue trespass upon its attention; but I feel convinced that it will be felt that I have good and substantial reasons for bringing forward the subject of which I have given notice. It is one which involves a great principle, affecting the feelings and interests of all classes of the people of Ireland. We have been promised that sometime in July we shall have the Return of the Census for

Ireland; but until that document is placed on the table, and that it exhibits to the contrary of what I believe to be the case, I am justified in asserting, on the authority of the last census in which the different religious denominations were set forth, that Ireland is still a Catholic country—that four-fifths, or, at the very least, three-fourths of the population are of the Catholic faith. The army of the United Kingdom is largely recruited from Ireland; and in the numbers supplied by Ireland, as her contribution to the army, it will be found that they fairly represent the religious belief of her people. Thus, that at least three-fourths are Catholic, while but one-fourth are Protestant or Presbyterian—that, in fact, in the ranks of the Irish soldiers the same preponderance of Catholics over Protestants prevails as among the civil population. Now it certainly ought to be the policy of the Government to conciliate the people from whom they draw so large a proportion of their military resources in the hour of emergency; and I need scarcely say, in the presence of several gallant Officers, that which they well know, and could bear willing testimony to, that the Irish soldier has ever been found foremost in the post of danger, and in the hottest of the fight, in all those great battles which have enhanced the glory of this country. Those who themselves have breasted the tide of battle can bear testimony to the fidelity and valour of the Irish soldier. Now, the Royal Hibernian Military School, in Dublin, was established for the education and protection of the orphans of Irish soldiers. From a Return for which I moved early in this Session, I find that on the 26th of February, 1861, the number of boys in this school was 410. Were one to judge by the number of Catholic Irishmen, when compared to Protestant Irishmen, in the army, one would naturally suppose that the proportion of Catholic and Protestant boys in this school would nearly represent the proportion of Catholic and Protestant soldiers. But what will be thought when I state, on the authority of the Return I hold in my hand, that the number of Protestant boys was, at the date I mention, 278, while the number of Catholic boys was only 132? Thus, the relative proportions within the school were then, and are now, exactly the reverse of those which existed outside of it. And this proportion seems to have been strictly maintained; so that while there were, at the very least, three, or say two, Catholic soldiers for every one Protestant soldier in the army, there were in this school two Protestant orphans of Protestant soldiers for every one Catholic orphan of a Catholic soldier. How is this anomalous state of things to be explained? How does it act? When the poor widow of some Catholic soldier, who has died in defence of the honour and interests of this country, applies to have her orphan child admitted to this school —this school established for the education, care, and succour of the orphans of those who have given their life and blood for the glory of this empire—she is told there are no vacancies for Catholic boys, although there are, or might be, vacancies for Protestant boys. Poverty, necessity, and desperation are sad tempters, and the unfortunate Catholic mother has been induced to sacrifice her strong religious feelings, and consent to have her orphan child entered as a Protestant, because there were no other means of securing his admission. But suppose no case of this kind had ever occurred, such a temptation ought not to be held out. But let us see in what manner the staff of this establishment is constituted to which is confided the education of 132 Catholic boys. The entire number of persons holding offices or employments of all kinds, from the highest to the lowest grade, is 69; and while every one holding a post of any rank, authority, or influence, is a Protestant, none but the situations of the most subordinate and even menial kind are given to Roman Catholics. Out of the sixty-nine officials in this list but nine are Catholics. Let us see what offices these nine Catholics hold. The first is the "Officiating Catholic clergyman," a non-resident, and who only visits the institution. Then there is an assistant-sergeant; then a sergeant-gardener; then an assistant-shoemaker; then an assistant-tailor; then a hospital servant; then a woman in charge of the schoolrooms; then a ploughman; and lastly, a farm labourer. But, on the other hand, all those in command, all the masters and teachers, all who have authority or who possess influence, are Protestants. I ask, is this fair and equitable, and whether there is still to be a ban placed upon Catholics in a Catholic country? A Catholic soldier surely has as good a right as a Protestant soldier has to have his orphan child educated and taken care of by the State, as well as protected from the base and insidious arts of the proselytiser. Not only is the state of things in this institution bad of itself, as I shall show, but it works evil in other ways. This system produces the most pernicious fruits, through its influence and example. The Government seems to sanction a proselytising school—a school, at least, in which all the influences tend in that direction; and why, therefore, should not schools supported by private resources adopt the same? Thus, from this Government institution flows a poisoned stream which is conducted through the country in a hundred different channels, disseminating a noxious influence, fatal to Christian concord, and keeping alive those evil passions which, as an Irishman, I wish from my heart were banished from my country. Now as to its immediate results. I find, by a Return laid before this House, and ordered on the 10th of May, 1854, that in the preceding four years no fewer than seventeen boys had changed their religion, and become Protestants; and, in addition to this fact, I state that in the month of February, 1858, as many as five Catholic boys declared their intention of becoming Protestants. Two of these boys were under fourteen years of age. Now, I can easily understand how it is that a man changes his religion, and adopts a different faith; but how a boy, a mere child, so situated could do so, except under the influence of his superiors, I cannot well conceive. But I freely admit that a Catholic boy of this tender age must be singularly precocious, or wonderfully strong in his faith, if he resisted the Protestant influences of such an institution. In this school the teachers are Protestant, the books are Protestant, the very atmosphere is Protestant ["Oh, oh!"]—yes, the very air they breath is Protestant, and every influence that is brought to bear upon these helpless and unprotected boys is antagonistic to their faith. I, of course, prefer that these boys should grow up and remain Catholics; but it would be better that they should grow up good Protestants than bad Catholics—that they should have some faith than no faith at all. And is not the system adopted just that which has a tendency to make them infidels?—which, in my mind, is the most fatal as well as degrading condition to which the human being can fall. The Catholic clergymen tells them that their religion is the true religion; but their Protestant schoolbooks and their Protestant teachers are constantly telling them the contrary. All that is respectable, that is to be admired, that is to be emulated, is Protestant; whereas all that is Catholic is low, and to be despised. What can the Catholic priest do against fifteen Protestant teachers, and against the moral influence of this intensely Protestant institution? The principal books used in this school are the same books which have been condemned by the Catholic Bishops of Ireland, and these are taught to Catholic boys by Protestant teachers. Is it too much to ask that these 132 boys should have fair play—that they should be allowed to grow up strong and secure in their faith—that which would one day be their solace and support and their best protection in the hour of trial and temptation? I contend that they should have Catholic teachers, and that, in a word, fair play should be given to those Catholic boys. Above all, their faith should be protected, which is not the case at present. I said that the whole atmosphere of the place is Protestant; and this statement cannot be better illustrated than by reference to the case which the right hon. Gentleman the Secretary of Ireland told me the other night, in answer to my question, was under investigation—I mean that of an orderly-sergeant named Harrison, who being very ill, and feeling himself on his death-bed expressed a wish, through his wife, to see the Catholic clergyman. The Catholic clergyman would not visit the sick man without the sanction of the authorities, but that sanction was refused to him. He proposed that the Protestant clergyman, with himself, and some one in authority should visit the sick man, and that he should be asked which of the two clergymen he desired to see; but this fair proposal was rejected. The wife became more pressing and urgent in her application that her husband might be allowed to see the Catholic clergyman in his dying moments; but the resident authorities would not consent to the admission of the priest. At length, after travelling for hours about Dublin, the priest finally procured an order from the General commanding the district, to be admitted. Armed with this order he again went to the institution. He presented the order, which was taken to the resident officer in command; but the priest was left at the door for an hour and twenty minutes, and in the meantime, or rather ten minutes before the priest was admitted, the poor man died, no clergyman, Protestant or Catholic, having been present while he breathed his last. [*Cries of* "Hear, hear!"] This, then, is the institution in which 132 Catholic boys are educated at the expense of the State—and this the institution in which the religious faith of the orphan children of Catholic soldiers is so carefully protected. I do respectfully solicit the noble Lord at the head of the Government, and the right hon. Gentleman the Secretary for Ireland, to look into this case, and to see that, for the future at least, these Catholic boys are properly attended to. An expression of honest opinion on their part would have a most useful influence on the school; and it was with the intention of bringing the matter fully before their notice, as well as to the attention of the House, that I brought forward the subject—which, I trust, I have dealt with in a fair spirit. The hon. Gentleman concluded by asking for explanations with respect to the constitution and character of the staff of the establishment referred to, "having relation to the religious faith of the boys educated therein."

Mr. VANCE said, he wished to say a very few words on the subject, although he had had no opportunity of referring to the authorities of the Hibernian School. The Government had the means of doing so, and, no doubt, the right hon. Gentleman the Secretary for Ireland would be enabled to give an ample answer to the hon. Member. The question, he believed, had been brought forward in consequence of a pastoral of Dr. Cullen, and the return to which it led ought never to have been granted. The whole affair was part and parcel of that system of Roman Catholic aggression which was going on in Ireland, and which he feared was too much sanctioned by the Government. This Return was the first that had ever been granted in such a form—giving the religious persuasion of the officers and inmates of schools and hospitals in Ireland. It had been placed on the paper when the Earl of Derby was in power, but was refused in accordance with immemorial usage. If Returns of this kind were allowed it would be most unjust, according to the argument of the hon. Gentleman, to allow the majority of the heads of any establishment to be of one religion while those inferior to them were of another. He might call for a Return of the Bar of Ireland and the Judges of Ireland with reference to their religion, and it might be found that of the Bar three-fourths were Protestant, and of the Judges eight out of the twelve were Roman Catholic. Such Returns would be extremely invidious. This particular school was founded in the time of the Irish Parliament. It was an exclusively Protestant institution. In 1841 no Roman Catholics, either as teachers or boys, were allowed. That rule was then relaxed, and very properly; but it was relaxed with considerable difficulty, because there were very large bequests made for exclusively Protestant purposes. He did not think there was much reason to complain when in the interval which had elapsed they found there were 132 Roman Catholic boys to 278 Protestants. He also understood, from a friend who knew a great deal about the school, that all the Roman Catholic boys attended service in Chapel Izod up till 1851, and after that a Roman Catholic chaplain, at a salary of £80 a year, was appointed. He believed that no attempt at proselytism had ever been sanctioned, and the military officers at the head of the establishment were not at all likely to lend themselves to such proceedings, as it was well known that of all men military officers were most free from religious prejudice or sectarianism.

Mr. T. G. BARING said, it was necessary, in the first instance, to explain that Her Majesty's Government had no power whatever over the Hibernian Military School, which was governed by Commissioners appointed under a Royal Charter. He felt bound to say, however, that in a school where there was so large a proportion of Catholic boys, it was a remarkable fact that the main part of the officials should be Protestant, and he thought the Commissioners would exercise a wise discretion if they were to give a certain number of the appointments to Roman Catholics, provided they could find suitable persons. But, as the religious instruction was entirely conducted by chaplains of the respective denominations, it was difficult to see how the purely secular education imparted in the school could have any injurious effect. The Charter of 1846 contained precautions against interference of any kind with the religious opinions of the pupils. The statements of the hon. Member for Dungarvan (Mr. Maguire) were in substance the same as those contained in the pamphlet published in 1858 by Archbishop Cullen. The case which he had put of a widow compelled to sacrifice the religious belief of her child to procure him admission to the school was embodied nearly in the same words in that pamphlet; and Colonel Colomb felt it only due to the character of the school to call on the Archbishop to name the particular instance. On inquiry, it was found that Robert Anderson, the boy alluded to, was the son of a private soldier in the Royal Artillery who was married in the Protestant church of St. Michael's, Limerick, and that the boy himself had been baptized a Protestant. According to the rules of the institution, he was entered in the religion of his father, and the mother, who was a Roman Catholic, not only made no remonstrance, but two of the boy's sisters had previously been in the same school. The sequel of the story was rather remarkable. The mother, who was at service in Dublin, came to the school and asked to be allowed to take the boy out for a day, but from that period he was lost sight of. His sisters, who were Protestants, made strong representations on the subject, knowing that the mother had no means of providing for the boy, to the effect that he had been taken away to be brought up in the Roman Catholic religion. So that, so far from its having been necessary, as represented, for a Roman Catholic child to change his religion to gain admittance to the school, the fact was that a child whose father was a Protestant and who himself had been baptized in that religion was taken away from the school, it was supposed with the object of being reared a Roman Catholic. So far from any proportion being observed in the admission of children of different religions, he had the most distinct assurance that they were admitted entirely according to the claims of their fathers. Those boys were first taken in who had no parents; next, those who had lost their fathers; and then those who had lost their mothers, their fathers being abroad. The small proportion of Roman Catholic children was not much to be wondered at, when two very strong pamphlets against the institution had been written by right rev. gentlemen, the tone of which was anything but encouraging to Roman Catholic soldiers to send their children to the school. Of course, when such numbers of boys were constantly passing through the school, it was impossible that changes of religion should not sometimes occur; but the strongest possible orders had been given against proselytism. The five boys named by the hon. Member for Dungarvan were not only cautioned against the step they were about to take, but were compelled to consult the priest and their own friends and companions. Three were of an age at which they could voluntarily alter their registry; the other two were not entered as Protestants till the priest wrote to say that, in consequence of the scandal which the public declaration of their intentions had given rise to, he could no longer permit them to attend his ministry. The Roman Catholic chaplain, the Rev. Mr. Kelch, appeared to be acting in perfect harmony with the governor of the school; and had any attempt been made at proselytising the children, the person making it could not fail to have been exposed. On the contrary, it appeared from the letter of Mr. Kelch that there was not only the fullest opportunity for instructing the boys in the principles of their religion, but the greatest facilities were also given for all the services of the Church. Judging from all the information he had received, he did not believe that any encouragement was given to the conversion of Roman Catholic children in the school. If such encouragement were given it would be perfectly inexcusable, and deserving of the severest reprobation. He thought it was a pity that more Roman Catholics were not employed in the management of the school; but, with that exception, he was persuaded there was no just ground of complaint. The school was governed with impartiality, and the children sent to it received, and would continue to receive, a good education.

MR. LONGFIELD said, he would not go into the question of proselytising. He believed that what was gained in one way was lost in another, and, except when the minds of men were profoundly agitated, he always had a suspicion of cases of conversion. His object in rising was to repel the charge of illiberality which had been brought against the Hibernian Military School. There was no institution against which such an accusation could be brought with less justice. The Hibernian Military School was founded as an exclusively Protestant institution, for the education of children in the Protestant religion, and yet the trustees had voluntarily extended the benefits of the charity to the children of Roman Catholic parents. They might have retained the charity exclusively for the benefit of the members of their own religion, but they had, in a most liberal spirit, consented to throw it open to Roman Catholics; and the only complaint that could be made against them was that they had kept a portion of the foundation for themselves in a case in which they might have retained the whole. He challenged any hon. Member to show that Roman Catholic trustees of an educational institution had ever practised the same liberality towards Protestants.

Mr. MONSELL said, he was astonished at the remarks of the hon. and learned Member who had just sat down. The Hibernian Military School was supported by the State to the extent of £12,000 a year, and it could not be regarded in the light of a private trust. Everybody agreed that children should be brought up in the religion of their parents. Was that principle adopted in the Hibernian Military School? The hon. Under Secretary for War had satisfactorily explained the case of the five children who changed their religion. It must be admitted that everything was done with perfect fairness, but why was the atmosphere of the school such as to induce these young children to change their religion? The reason was that, in an institution where a large number of the children were Roman Catholics, all the superior officers were Protestants. A Roman Catholic soldier could not wish his children to be given up to Protestant schoolmasters and schoolmistresses; and the House could not do better than refuse to vote any more money unless they found that the institution was properly conducted. He begged of the noble Lord at the head of the Government, who took such an interest in the army, to declare that a grievous injustice, which would not be tolerated in the case of Protestants, should not be allowed to exist in that of Roman Catholics.

Mr. CARDWELL said, it was quite true that the Hibernian Military School was originally a Protestant institution, and the degrees by which it had become available for the benefit of Roman Catholics had been gradual and recent. But he agreed with his right hon. Friend who had just down that, whatever might have been the origin of the institution, it was now to be regarded as a public establishment maintained for the general benefit of the Queen's Irish subjects serving Her in the field. He believed it to be perfectly true that the institution was an excellent one, in which the children of Roman Catholic, as well as those of Protestant soldiers, received a good education, and in which proselytism was strictly interdicted. Roman Catholics were educated twice a week under the special care of their own chaplain, and provision was made for securing that freedom and liberty of conscience which it was the principle of Parliament to provide for in every institution of the kind. At the same time he must express his cordial concurrence in the wish uttered by his hon. Friend the Under Secretary for War, that when vacancies occurred in the establishment such a selection of officers would be made as would show regard to the feelings of all classes of the community. With regard to the case referred to of a private soldier who was supposed to be a Protestant, but whose wife applied to the Roman Catholic chaplain to attend him in his last moments, and experienced, as it was called, a want of facility and kindness in procuring such attention, he could not say much at present, having only seen the one-sided statement which had been submitted to his noble Friend, and upon which an inquiry was about to be instituted. But it appeared that the very moment Sir George Browne heard that the man was desirous of obtaining the services of the Roman Catholic chaplain, he gave immediate directions that his wishes on the subject should be ascertained and carried into effect; but the man died before a Roman Catholic chaplain could be taken to him. Inquiry would be instituted, and if it should turn out that there had been a want of consideration or kindness on the part of any officer of the establishment, measures would be taken to prevent the recurrence of anything of the kind in future.

Colonel NORTH asked whether the professor of military hygiene at Chatham was to be selected from the medical department of the army or not? He referred to some papers to show that military medical officers were alive to the necessity of sanitary measures for preserving the health of the troops before the time when attention was called to that subject by medical gentlemen not connected with the army.

Mr. HENNESSY said, that he would remind the hon. and learned Member for Mallow (Mr. Longfield), that the Reports of the Charity Commissioners and of the Commissions on Universities showed that enormous Roman Catholic charities had been appropriated to Protestant purposes, and that, too, without the consent of those who might be supposed entitled to a voice in their appropriation. The Hibernian School was an institution for the children of Irish soldiers. The majority of the Irish soldiers were Roman Catholics, but the majority of the children in this school were Protestants. Out of sixty-nine officers of the institution, including all the more important, sixty were Protestants, and only nine were Roman Catholics. He should be glad to receive from the Government an assurance that, as vacancies occurred, a fairer distribution of the patronage would take place.

Mr. VINCENT SCULLY said, he would move a reduction of £1,000 from the item for the Hibernian School. He did this in order to prevent any military ruse for diverting attention from this subject. The hon. and learned Member for Mallow (Mr. Longfield) had asked where was there an instance of such liberality on the part of Roman Catholics? He (Mr. Scully) would tell him. There was not a chance of a Roman Catholic being returned for any constituency in England, and yet the Roman Catholics of Ireland returned Protestants to that House, not to defend Roman Catholic interests, but to defend Protestant interests against them. The hon. and learned Member ought to have been the last to tax the Roman Catholics with illiberality: they had returned him an Ultramontane Protestant, if he might use the term—a man who had come down to defend the Derryveagh evictions, as he had done the other night. The hon. and learned Member had an instance of Catholic liberality in his own person. While a third of the children in the institution were Roman Catholics—there ought to be two-thirds—there was not a single officer in it a Roman Catholic. He might illustrate this system of exclusion by an instance taken from the Select Committee of the working of the Irish poor law.

Sir STAFFORD NORTHCOTE rose to order.

Mr. MASSEY said, that the hon. Gentleman was out of order in referring to what had taken place in a Select Committee which had not then made its Report.

Mr. VINCENT SCULLY said, that since he was precluded from illustrating his subject he would merely add that it was the fault of the Roman Catholics themselves. Why, when they saw those consequences before them, did they enter the British service at all? They knew if their children ever entered those institutions they would be proselytised. He would move his Amendment, in order to allow hon. Members to express their opinions.

Motion made, and Question proposed,

> "That the item of £13,565 18*s.* 4*d.*, for the Royal Hibernian Military School, be reduced by the amount of £1,000."

Captain JERVIS said, that the whole of the discussion appeared to have arisen from the mistake made by Dr. Cullen, in supposing that the school was intended entirely for the children of Irish soldiers. The school was, however, founded for the children of soldiers in Ireland, and when there was a larger proportion of Protestant soldiers in Ireland the number of Protestant children proportionably increased. In the case of the alleged proselytism of the boy Anderson, a board of officers was called together composed of the ten senior officers who were in the garrison of Dublin at the time. The cases of alleged proselytism were two. In 1858 five Roman Catholic boys wished to become Protestants. It was proved that the boys were in the habit of going to see their friends in the city, and that they were converted not within but without the walls of the school. The rule was that boys above fourteen were allowed to change their religion, and as three of these boys were above fourteen, the governor had nothing to say. The other two were not allowed to become Protestants, and were sent to their chaplain. The second case referred to of a Roman Catholic boy being converted was just the reverse, for it was a Protestant boy, who, going out on leave, was met on his road and had never been heard of since. Whether the servants of the college were Protestants or Roman Catholic was not a matter to which the governors looked.

Mr. WALDRON said, he confessed he heard the statement made by the hon. and learned Member for Mallow with some surprise. It seemed to him strange that in a Catholic country like Ireland, and in an institution supposed to be mainly intended for the instruction of children belonging to the Catholic faith, that none of the officers should be members of that faith. He would certainly support the Amendment.

Mr. LONGFIELD explained that he did not complain of Roman Catholics seeking to get the benefit of the institution. What he said was that there was no institution in Ireland of which it could be said with less justice that it acted illiberally, for it was an essentially Protestant institution, built and endowed up to 1846 by Protestants, when the archbishops and bishops who were trustees voluntarily surrendered their exclusive privileges. As for what had been said about himself personally by the hon. Member for Cork, he would acknowledge his obligations to his Roman Catholic supporters most unhesitatingly; but those Roman Catholics would despise him if, where he thought an unjust accusation was made, he were to yield to any fears of their displeasure, and not stand up and refute it.

Mr. AUGUSTUS SMITH observed that last year the item amounted to £12,348, while in the present year the sum asked for was £13,563. He wished to know the reason of the increase?

Mr. T. G. BARING stated that the increase in the Vote was in a great measure owing to the increase in the price of provisions.

Mr. MAGUIRE, in reply, said, that he hoped the hon. Member for Cork would withdraw his Amendment, as it was not his (Mr. Maguire's) intention to deprive the institution of one farthing of the sum proposed. He denied what had been implied, if not asserted, that Catholic members were the mere puppets of their clergy, and said that the charge was not only untrue, but specially unfair when they had to condemn or expose a real grievance. It was quite true that Dr. Cullen, whom he unfeignedly respected, had ably exposed the state of the Hibernian School; but was it because a Catholic prelate addressed the Irish public on a matter of grave importance, that, therefore, a Catholic Member should not feel interested in the question, enquire into it, and bring it before Parliament? But when the Secretary for Ireland and the Under Secretary for War endeavoured to show that there was no such rule as that of limiting the number of Catholic children to one-third, he would say that in 1858 the number of Protestant children was 238; that of the Catholic 127. In 1861 the Protestant children were 278; the Catholics 132. As Catholic soldiers had shed their blood as liberally for their Queen and country he could not understand why they had not as good a claim as Protestants. He had been charged by the hon. and gallant Member for Harwich (Captain Jervis) with having brought forward isolated cases. Surely five cases in one month, and seventeen from 1850 to 1854, could not be said to be isolated cases. He relied upon these twenty-two cases as showing that the Protestant spirit of the establishment was prejudicial to the faith of the Catholic boys. Then as to there being no vacancy. There had been a vacancy lately, and a Catholic teacher was promised to him (Mr. Maguire); but, if he was rightly instructed, he was refused by the local authorities. If by next year they should find that substantial justice was not done, they should have to deal rather harshly with this Vote.

Mr. VINCENT SCULLY said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Mr. W. WILLIAMS said, he wished to call attention to the salary of the Vice-president of the Council of Military Education, which was £1,000 a year; there were also three members at a salary of £600 a year each, one member whose salary was £485, and a secretary who received a salary of £400 a year. He should like to hear from the hon. Under Secretary for War the nature of the duties which these officers had to perform. He also wished to know what were the duties of schoolmistresses in connection with regiments. The soldiers, no doubt, had daughters, but he did not know that they were educated by schoolmistresses connected with the regiments.

Colonel J. F. D. STUART explained that there were infant and other schools in all the garrison towns, and even in the camps at Aldershot, Shorncliffe, and elsewhere, and the superintendence of trained schoolmistresses was of great service to the children of the soldiers.

Captain JERVIS asked why the late circular which in the case of engineer officers dispensed with the necessity of passing through the Staff College at Sandhurst previous to holding Staff appointments should not be extended to artillery officers?

Sir FREDERIC SMITH said, Artillery officers were as competent for employment on the Staff as the Engineers, and by the present system the authorities excluded men eminently qualified to serve as Staff officers. It was a very invidious distinction to keep from them the advantages enjoyed by the engineer officers.

Mr. MONSELL said, he cordially concurred in the observation that it was a foolish and unwise course to allow such a distinction to exist.

Mr. AUGUSTUS SMITH asked for

some explanation as to the number of children who were really being educated in the military schools.

MR. T. G. BARING said, in 1858 there were 12,000 children in these schools. Since then the number had increased, but there were no very accurate returns. The Council of Military Education had the supervision of the department, and full details as to what had been done during the year would be found in a blue-book lately presented. As to the distinction between the Artillery and Engineer officers, he admitted that the grounds of that distinction were not very clearly defined, and that it was hardly warranted by the previous course of study of those two branches of the service. The attention of his noble Friend the Secretary for War would be called to the subject, but he wished to say that there had not been the least desire on the part of the War Office to draw any invidious distinction or to excite any jealousy between the Artillery and Engineers.

SIR FREDERIC SMITH called attention to the fact that the Governor of Woolwich Academy only received £500 a-year, while the Governor of Sandhurst received, very properly, £1,000 a year. They were both gentlemen of similar capacities and standing, and had duties equally onerous to perform. He did not think it was right such a distinction should be made in salaries. They ought to feel indebted to the Government for proposing Votes for the Engineer establishment at Chatham, as that institution had done much to raise the corps of Royal Engineers to its present state of efficiency. The Engineers were not justly liable to the imputation of incompetency, and he regretted to hear any observations tending to lower them in the estimation of the House. He was at a loss to understand who the persons were who had feathered their nest, as he was sure they were not the contractors, every one of whom had been ruined by undertaking the works at too low a price.

MR. W. WILLIAMS asked, whether the cadets at the Royal Military Academy at Woolwich paid as much as was sufficient to defray the expense of their education?

MR. T. G. BARING said, at page 107 of the Votes it would been seen that the receipts last year from the cadets had been £18,795 17*s.* 4*d.* The institution was not self-supporting, though it was nearly so. The amount received could not be taken into account for the reduction of the Vote, as it had to be paid into the Exchequer. With respect to the salary of the governor of Woolwich Academy it must be remembered that he received his full pay besides, while the governor of Sandhurst was not in receipt of his full pay.

SIR FREDERIC SMITH said, the governor of Sandhurst received an additional £1,000 a year for command of a battalion.

MR. WYLD called attention to the permanent character of the Votes for the survey. He did not find fault with the present management of the survey, as one of the most distinguished men in Europe was at the head of it. The Ordnance Survey commenced in 1784, and, including military pay, had cost upwards of £2,000,000. The area of England was 58,000 square miles, of Ireland 30,000, and of Scotland 33,000, making together 121,000 square miles. The area of France, including Corsica, was 201,000 square miles. France commenced her survey at the same time, and had completed one-third of it; she had completed nearly 100,000 square miles of the enlarged survey and one-third of the cadastral survey. The cost had been only about £1,200,000, and he could not account for the difference, except by the English survey having become a permanent department. At that moment a large portion of Scotland was unsurveyed, and he thought the House ought to require the Director of Ordnance to complete the whole survey of these islands before commencing any new work. He held that the expenditure for the topographical survey was an utter waste of public money. The topographical department entered into competition with private persons, and sold maps at less than cost price. He was afraid that the publication of some maps might lead to inconvenience, and, possibly, to political difficulties. Before the Italian war the Austrian Government had a new survey of Lombardy made, and refused to supply copies of the maps. But the topographical department made a private copy of the maps, and published them at 1*s.* a sheet. France could not get the maps from Austria, but the topographical department supplied the French Government with some 500 copies. He did not propose to reduce this Vote, but he wished to call attention to these facts.

MR. T. G. BARING said, he hoped that nothing would be done to prevent the topographical department reproducing maps which were of great use. When a map, which was not confidential, was published, it was sold through the mapsellers, and their interests were regarded by their having an allowance of 25 per cent. The map of Lombardy was of the greatest possible use to our officers, and if the French bought copies through some mapseller in London, it only proved that the topographical department of England was better than that of France.

Mr. WYLD said, he did not understand what was meant by confidential maps. Within the last few days maps had been published, showing the fortifications of Fort Pickens and of Fort Monro. With reference to the charge for the maps, the hydrographic department of the Admiralty charged more for their maps than the topographical department.

Mr. T. G. BARING said, he could assure the hon. Gentleman that the maps were not sold at less than cost price.

Vote *agreed to.*

(2.) £24,300, Rewards for Military Services.

General LINDSAY observed, that he was well aware it was by no means an agreeable duty to select from the great body of officers who had served their country well the individual officers on whom rewards were conferred, but he wished to take that occasion to call the attention of the hon. Under Secretary for War to a class of men who were fast passing away, and who had rendered somewhat distinguished, and certainly very meritorious, services during what was called the revolutionary war. Those officers had in the course of time obtained high rank in the service, but they nevertheless were in receipt of no higher pay than belonged to their last regimental rank—that of captain and major. They had been placed on half-pay principally in 1826; their promotion took place to what was called the unattached list, and having been once placed upon that list the military authorities were unable to put them on full pay. The consequence was that they remained to that hour on half-pay, and he would under these circumstances ask the hon. Under Secretary for War whether, considering that those officers were very few in number, and those few fast dying out, he would not look favourably on the claims which they possessed to the notice of the Government? They were only about eighteen or twenty in number; they now held the rank of Generals; they counted on an average fifty-three years' service, and might be said to be on an average seventy years old. Three of them held Peninsular medals with one clasp; three with two, six with four, two with five, two with six, one with seven, and one with no less than nine clasps, respresenting nine general actions. Having said so much he thought he was justified in asking the Government to take the claims of these distinguished and meritorious officers into consideration.

Mr. T. G. BARING said, that upon the list of officers who had received rewards for distinguished service this year, there were some who had entered the army as far back as 1800, 1806, and 1814, so that such rewards were not confined exclusively to those who had distinguished themselves very lately. So far as he was able to understand the statement of the gallant General, the officers to whom he alluded had in reality ceased to belong to the army since 1826, and he could not, under those circumstances, conceive how they could on an average count fifty-three years service. Be that, however, as it might, the gallant General might rest assured that every consideration would be shown those officers in the distribution of rewards.

General LINDSAY said, he had used the word service as specifying the length of time which had elapsed since the entry of the officers in question into the army.

Vote *agreed to.*

(3.) £78,600, General Officers.

General LINDSAY said, he wished to remark that last year a Committee had been appointed to consider the claims of seven General officers, and had reported in favour of those claims. The Committee recommended that they should receive their pay from the date of their receiving the rank of general officer, but the Treasury had only given them the allowance from the date of the recommendation of the Committee. He wished to know on what principle the Treasury and the War Office had proceeded in taking this course?

Mr. T. G. BARING said, that the case had been fully considered by the Committee, and the claim made was carried by a narrow division of five to four. On the matter being brought to the notice of the Treasury they considered these officers ought not to receive retrospective pay, and gave it from the date of the Committee's Report. They pay was given to them as a boon, and not as of right, and no injustice had been done to these officers.

General LINDSAY said, he could not recognize any principle in the hon. Gentleman's statement. The officers were entitled to the pay claimed from 1805 and 1807.

Vote *agreed to.*

(4.) £490,669, Reduced and Retired Officers *agreed to.*

(5.) £181,363, Pensions to Widows, &c.

Colonel NORTH said, he wished to draw the attention of the hon. Under Secretary for War to the case of the Widow of an officer of the Royal Regiment who was wounded at the Redan, sent home, and at the end of four years died from the effect of his wound. He had purchased his first commission, but when the widow applied for a pension, the answer was that as the officer had not served ten years the widow was not entitled to a pension. That was a very proper rule in regard to officers not on service, but this officer could not serve his ten years because he had received a wound in the head, from the effects of which he died. He could not believe that any man in the country would wish that, in order to increase the reserve fund, the unfortunate widow should be deprived of the sum which her husband paid for his commission.

Mr. T. G. BARING said, that if the hon. and gallant Member would give him the circumstances of the case of which he had not before heard, he would inquire into them. It was, however, necessary to adhere to the regulations, although in some exceptional cases they might appear to operate rather hardly.

Vote *agreed to.*

(6.) £42,953, Pensions for Wounds.

Colonel NORTH said, the change recently made by the noble Lord the Secretary for War was liberal and kind, and he was entitled to thanks for the new warrant in this respect, but no warrant could include every case and, therefore, he would call the attention of the House to Colonel Henry, a gallant and distinguished officer. He went to the Crimea in April, 1855, and having performed an act of distinguished bravery he received a brevet-majority. In consequence, however, of the scarcity of artillery officers, in which service he held his commission, he was obliged to continue in the command of a very important and dangerous post, and while thus employed was so severely wounded that his arm had to be taken out of the socket. The intrepid bravery and coolness of the officer, under an almost unprecedented fire, had met with the highest praise; but upon applying at the War Office for his pension as a field officer, he was told that he was not entitled to receive it, as when wounded he was performing the duties of a captain of artillery, although he was actually promoted to the rank of field officer. He last Session, when moving for the revision of the old wound warrant, proposed that if an officer of inferior rank was wounded at a time he was performing duties of a superior rank he ought to receive the pension of the higher rank. That the noble Lord at the head of the War Department had acceded to, but the case he now mentioned of Colonel Henry was the converse of that proposition. It was true that Colonel Henry did not come within the warrant, but he thought that in consideration of his conspicuous bravery an exception should be made in his favour, and that he should receive a field officer's pension.

Mr. T. G. BARING said, that as Lieutenant Colonel Henry himself admitted that he was not doing duty as a field officer when he received his wound, Lord Herbert saw no alternative but to abide by the regulations. Lieutenant Colonel Henry was, no doubt, a distinguished officer; but if they began to make exceptions of the kind suggested, it would cause great confusion in the service.

General LINDSAY thought that Colonel Henry had strong claims on the consideration of the War Office.

Captain JERVIS stated, that the Russian guns at Sebastopol having on one occasion concentrated their fire on one of the English batteries, Colonel Henry was selected, as an officer of great coolness and experience, to take command of it. He was subjected for twenty-four hours to what *The Times*' correspondent called an "infernal fire," and discharged his duty to the admiration of the whole army. He urged the Government not to deprive Colonel Henry of the field officer's pension on a mere technical ground, as if the claims of so gallant an officer were ignored it would be no encouragement for any other to continue to perform the duties of an inferior officer, however urgent the necessity might be, after he had been promoted.

Sir HENRY WILLOUGHBY called attention to the fact that no less than £40,000 was taken on the Vote for 1859-60 more than was required.

MR. T. G. BARING explained that that was owing to some of the pensions not being called for.

Vote *agreed to,* as were also

(7.) £32,409, Chelsea and Kilmainham Hospitals.

(8.) £1,124,363, Out-Pensioners of Chelsea Hospital, &c.

(9.) £138,151, Superannuation and Retired Allowances.

MR. AUGUSTUS SMITH said, he thought some of the retired allowances were given to persons comparatively young, and with short periods of service. Some reason ought to be stated why these pensions were allowed.

MR. T. G. BARING said, the retired allowances were regulated by Act of Parliament.

Vote *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

(10.) £750,000, Customs Department.

MR. HENNESSY said, the Vote ought not to be pressed at so late an hour. It involved the effect on the expenditure of the department of all the recent reforms.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the Committee would proceed; till the Estimates were got through there was no prospect of the end of the Session. The changes in the Revenue Department, in consequence of the abolition of some offices, had effected a saving of more than £100,000 on the year, though it would be balanced for a time by an increase in superannuations. That was really the whole case.

SIR HENRY WILLOUGHBY said, he was inclined to believe that the Committee knew nothing whatever of these Estimates. He wanted to know why they had stoppod short in the Army Estimates, and why the hon. Under Secretary had not gone on with the Vote in excess? They had stopped short on a subject of which they knew little, and they were now asked to go into a question of which they knew nothing. He never expected much good to accrue from bringing these Revenue Estimates before the House. Its only effect had been to remove the responsibility from the heads of the Customs and Excise, who did understand the matter, and to lay on this House, who understood nothing of it at all. He should like to know what was the meaning of this Vote in excess.

MR. AUGUSTUS SMITH said, he was not surprised that the Chancellor of the Exchequer should deprecate discussion if the Government themselves relied upon the accuracy of the Revenue Departments without knowing the facts. He would like to know whether there was any balance from previous Votes. It appeared that no fewer than 450 persons had been discharged from the public service, either with compensations or on superannuations. Was there no way of bringing those persons into other departments of the public service?

MR. PEEL said, that in passing from the Army to the Revenue Estimates they were strictly following the order on the notice paper. There could be no balances under this head, as all savings were returned to the Exchequer at the end of the year. Of course it could not be expected that officers who had filled situations at the head of Departments should be called upon to assume a subordinate position; but subject to that restriction persons under sixty years of age were at any time liable to be called upon to act in the public service.

SIR HENRY WILLOUGHBY said, he was glad that the hon. Gentleman opposite called attention to the amount of the superannuation list, which was increasing at a rate that was perfectly marvellous. He insisted that the Vote in excess ought to have followed the Army Estimates. The result, however, of the recent changes in the conduct of business had been to deceive the House, lengthy discussions occupying the early portion of each evening, so that no one could tell what business would really come on.

THE CHANCELLOR OF THE EXCHEQUER explained, that the Vote in excess of the Army Votes formed no portion of the Army Estimates, and, therefore, the Estimates for the Revenue Department were now properly taken. In fact the hon. Gentleman blamed them for adhering strictly to the course of which they had given notice. He feared there was too much truth in the charge of the increase in the superannuation list, but that did not apply to the Customs Department, which were so well managed by the heads of that Department that no fault could be found with them. The Estimates for that Department had been passed for some time in the same quiet way that a long lapse of time was dispatched in Scripture, in a single sentence—

> "And the land had rest forty years."

SIR MORTON PETO said, that the experience of the last few weeks showed that the mode of proceeding with regard to voting the public money was anything but satisfactory. It would be well in a future Session if Government would see whether they could not begin the Estimates at an early hour in the evening, and not to be interrupted by questions about Garibaldi or anything else.

Mr. HENNESSY said, that the present disturbance in the Revenue Department was one of great magnitude and importance. He wished to ask the right hon. Gentleman whether a large majority of the officers of the Inland Revenue and Customs had not expressed to the Government a sense of certain grievances under which they laboured, and also whether in regulating the salaries and future allowances of those gentlemen Government would not adhere to the precedents which had been established?

The CHANCELLOR of the EXCHEQUER said, he was not aware that any general discontent existed in the Departments referred to; on the contrary, he believed that general contentment prevailed. The hon. Gentleman's second question scarcely required an answer, because it would be the duty of Government to adhere to former precedents.

Vote *agreed to*, as was also

(11.) £1,440,000, Inland Revenue Department.

Motion made, and Question proposed,

"That a sum, not exceeding £2,050,000, be granted to Her Majesty, to defray the Charges for Post Office Services, and the Collection of the Revenue, which will come in course of payment during the year ending the 31st day of March, 1862."

Sir STAFFORD NORTHCOTE said, he wished to ask whether the Estimate furnished by the Post Office was not £2,161,133, and whether the Post Office had not been in the habit of late years of asking for a sum considerably more than they required? He hoped such a wholesale practice on the part of any Department would be discouraged by the Government. Perhaps that was the proper time to call attention to the discontent which prevailed amongst the Post Office officials. They complained that they had never been able to ascertain what were the recommendations contained in the Report of the Committee that was appointed to investigate certain matters of which they complained, or what decision had been arrived at. Without reference to the particular merits of the case, it was very undesirable that questions materially affecting the interests of a large body of men should be kept thus in suspense.

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman seemed to think that the Government ought not to adopt a wholesale manner of dealing with the Estimate. That was a very proper subject for comment; but he believed that in one of the discussions on the finances of the year he apprised the House that they had taken this year the Post Office Estimate closer than had been done in former years, when the Revenue Estimates were always voted to the extent of £300,000 or £400,000 more than was actually necessary. The Government did not think that was at all desirable. With regard to the other point alluded to by the hon. Gentleman, there had no doubt been differences of opinion amongst persons of great weight in the same Department, a circumstance which necessarily occasioned delay in the answer of the Government. Those differences were now entirely removed, and the final answer of the Treasury was sent to the Post Office authorities about a week or a fortnight ago. The matter was concluded, and the measure consequent upon it was now in such a shape as to be soon submitted to the House.

Sir HENRY WILLOUGHBY said, he was glad to hear that the absurd and objectionable practice of voting more money for the Revenue Departments than was necessary was about to be checked.

Mr. AUGUSTUS SMITH said, he believed that they were voting at least half a million in excess of what was requisite for the Department. There were balances of £600,000 in the Exchequer at the commencement of the last financial year. He would move that the Vote be reduced by the sum of £50,000.

Mr. PEEL said, it was possible that last March there might have been £600,000 on account of the Department in the Exchequer, but then the March quarter's salaries would be paid out of that.

Mr. HENNESSY condemned the practice of paying men who discharged the laborious and responsible duties of letter-carriers the paltry pittance of 18*s.* per week.

Motion made, and Question,

"That a sum, not exceeding £2,000,000, be granted to Her Majesty, to defray the Charges for Post Office Services, and the Collection of the Revenue, which will come in course of payment during the year ending the 31st day of March, 1862."

Put, and *negatived.*

Original Question put, and *agreed to.*

(13.) £538,574, Superannuations.

House *resumed.*

Resolutions to be reported on *Monday* next.

Committee to sit again on *Monday* next.

LONDON COAL AND WINE DUES CONTINUANCE BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 7 (Drawback upon Coals to continue to be allowed),

Mr. AYRTON complained that, while by a recent treaty the French manufacturer would obtain English coal free from taxation, the Government proposed to burden the London manufacturer with a duty of 13*d.* per ton on that article. In Dublin, where there was a similar tax, a drawback was allowed. He begged to move the Amendment of which he had given notice, for the allowance of a drawback on all coals used by manufacturers.

Sir GEORGE LEWIS observed that it was a mere repetition of a discussion which had already occupied the attention of the Committee during a whole morning's discussion. He proposed to continue the coal duties to the amount and in the form in which they were now levied. At present there was no drawback allowed to manufacturers in London, and his reason for not acceding to the proposal was that it would materially diminish the produce of those duties, which were estimated at a certain amount, and only sufficient for the purposes to which they were to be applied. It would be remembered that the London manufacturer lived in the vicinity of his markets, and that more than countervailed any disadvantage created by the imposition of the duty.

Mr. LOCKE said, the duty of 13*d.* per ton pressed very severely upon the London manufacturer when he came into competition with the country manufacturer, who paid perhaps not much more than 8*s.* a ton for his coals. In the present state of competition between trades, this duty was just the last hair which broke the camel's back. He regretted the non-attendance of metropolitan Members to support the interest of their constituents.

Lord FERMOY said, the hon. and learned Member had counted without his host. He (Lord Fermoy) was a metropolitan Member, and was prepared to support the imposition of the tax as an octroi duty, not as an improper duty. Moreover, the manufacturers of London would benefit more than any other class by the improvements which were to be carried out by the application of the coal tax; and he certainly could not consent to benefit them at the expense of the poor consumers of coal.

Mr. AYRTON said, the noble Lord had spoken, not in the interests of the poor ratepayers, but of the rich coal consumers of Marylebone. An octroi was a tax placed on articles of consumption, and not on those of prime manufacturing industry. It would be an insult to the understanding of the Committee to discuss questions of political economy which were so well established. But he thought it too bad that, after the right hon. Gentleman the Chancellor of the Exchequer had gained popularity for his Government by asserting one set of doctrines, the right hon. Gentleman the Home Secretary, in order to ingratiate himself with particular interests, should come forward and advocate wholly different principles, which were opposed to the views of a great majority of his supporters. He should be glad to hear from the right hon. Gentleman the Chancellor of the Exchequer one single intelligible argument in support of the course proposed, for he denied that any had yet been given. He should certainly afford hon. Members an opportunity of recording their inconsistency.

Amendment *negatived.*

Clause *agreed to.*

Remaining Clauses *agreed to.*

House *resumed.*

Bill *reported,* as amended, to be considered on *Monday* next.

INLAND REVENUE ACTS.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

The CHANCELLOR of the EXCHEQUER moved the following Resolutions:—

"(1.) That there shall be charged and paid for and upon every Licence to be taken out by any person not being a Distiller or Rectifier of Spirits, or a Dealer in or Retailer of Beer, Spirits, Wine, or Sweets, authorizing him to sell Methylated Spirit in any quantity not greater than One Gallon at a time, the Duty of Two Pounds and Two Shillings.

"(2.) That, in lieu of the Drawbacks now payable upon the Exportation of Beer from the United Kingdom to Foreign Parts as merchandize, there shall be allowed and paid in respect of all Beer which shall be so exported the following rates of Drawback (that is to say):—

"For and upon every barrel of thirty-six gallons, and so in proportion for any greater quantity of Beer brewed or made by any entered or licensed Brewer of Beer for sale in the United Kingdom, in the brewing of which Beer the worts used before fermentation were of the specific gravity of not less than one thousand and forty degrees, the sum of four shillings;

"And for every additional five degrees of specific gravity, up to the specific gravity one thousand one hundred and twenty-five degrees, the further sum of sixpence per barrel.

"(3.) That no return of Stamp Duty paid upon any Probate or Letters of Administration in England or Ireland, or any Inventory of the estate and effects of any deceased person in Scotland, shall be made or allowed in respect of any debt due and owing from the deceased, which shall be voluntary.

"(4.) That no allowance shall be made to a Successor out of his Succession, under the Succession Duty Act 1853, in respect of any property which, upon taking such Succession, shall terminate or cease to exist.

"(5.) That it is expedient to amend the Laws relating to the Inland Revenue."

Resolutions *agreed to.*

House *resumed.*

Resolutions to be reported on *Monday* next.

WAKEFIELD WRIT.

RESOLUTION.

MAJOR EDWARDS, in rising to move a new writ for Wakefield, said, that it would be in the recollection of the House that about a fortnight ago the hon. Member for Finsbury gave notice of his intention of moving that the new writs for Wakefield and Gloucester should be issued. He could not understand what motive induced the hon. Member to abandon his intention, and submitted the Motion to the House because it was generally expected to be proceeded with, and most of the Members had made up their minds how they should vote. He knew nothing of Gloucester, but he felt it incumbent upon himself, from his knowledge of Wakefield and his intimate connection with the West Riding of Yorkshire, to take some decided step with regard to that borough. This important constituency was composed of interests that ought no longer to remain imperfectly represented in that House. It was not a small hamlet but a large and important town, with a population of more than 20,000.× Its commercial and manufacturing interest were increasing immensely year by year, and it was the great emporium of the corn trade in the north of England. The writ was suspended in 1859, and Wakefield had in consequence been without direct representation for two years. He need not say that a constituency of such importance must feel the want of a representative very keenly. ["Hear, hear!" and *a laugh.*] Hon. Members might laugh, but there were few constituencies in the country who were more entitled to be represented in Parliament than the constituency of Wakefield. This was what he termed capricious legislation. The writ had been withheld without any definite Motion, or any decided act on the part of the Government. Other writs have been suspended, but were reissued within a shorter interval. Their temporary withdrawal of the privilege had the desired effect, and no ground of complaint against them had since been preferred. A very small proportion after all of the electors had indulged in the practices that had created so much scandal, and he thought it but an act of juctice to the majority that the writ should no longer be withheld. Why suspend the legitimate action of the Constitution for a longer time than is absolutely necessary? The House has already expressed its abhorence of certain practices, and that object having been effected, and the guilty section of the constituency having received a wholesome lesson, why should the House inflict this punishment for an indefinite period? Being an inhabitant of the West Riding he had been often called upon during the last two years to transact Parliamentary business connected with Wakefield, and he should now be glad to have that duty taken off his hands. Again, he insisted that Wakefield, having been deprived of a representative for two entire years, it had suffered sufficiently for the malpractices of a very small portion of the community, and, therefore, he hoped the House would agree to his Motion.

Motion made, and Question proposed,

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the Electing of a Burgess to serve in this present Parliament for the Borough of Wakefield, in the room of William Henry Leatham, Esquire, whose Election has been determined to be void."

MR. SERJEANT PIGOTT said, he thought it impossible that so important a question could be discussed at that hour (quarter

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past one o'clock), and he, therefore, begged to move the Adjournment of the House.

Mr. H. BERKELEY said, he believed that they might discuss the question very well in half an hour. He was most anxious that the writ for Wakefield should be issued, not from any particular virtue that the constituency possessed, but because he did not conceive that Wakefield was in a different position from a vast number of other boroughs. He did not believe that the House had ever been in earnest in attempting to put an end to bribery and corruption. He should support the Motion of the hon. Gentleman opposite.

Sir GEORGE LEWIS said, that the case of Wakefield could not be disassociated from that of Gloucester. It might be argued that bribery and corruption were to be found in many boroughs; but in Wakefield and Gloucester there had been detection and conviction. There was on the table a Bill which he regretted he had not been able to bring under the consideration of the House at an earlier date, and which contained a clause providing that in boroughs which were in the position of Wakefield and Gloucester the writ should be suspended for five years. The Government did not feel justified in making that clause retrospective, but it would be competent for the House to do so in Committee. Believing that the question was too large to be dealt with at that hour he should support the Motion for Adjournment.

Captain JERVIS observed that the House had had two years to consider the question, and they were as competent to come to an opinion on it now as they would be at any future time.

Mr. DARBY GRIFFITH said, he was of opinion that any borough that had been proved to be guilty of bribery and corruption should be disfranchised. He should, therefore, support the proposal for adjournment.

Major EDWARDS said, that the Government in their overpowering strength had determined not to issue the writ. He had nothing to do with Gloucester; but as the inconvenience of the suspension had been excessive in Wakefield he could not consent to the adjournment.

Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 76; Noes 98: Majority 22.

Original Question again proposed.

Mr. P. W. MARTIN said, the House had now been sitting eleven hours and a half. He was not prepared to sit there all night while the whole of the blue book on the last Wakefield election was read. He, therefore, moved that the debate be now adjourned.

Mr. AYRTON said, there was really nothing to discuss. He should support the Motion for the issue of the writ.

Mr. H. BERKELEY said, he also saw no reason why the House should not go to a division at once.

Sir GEORGE LEWIS said, he had some difficulty in accepting the division just taken as indicating the opinion of the House that the writ should issue. In the first place, there was but a limited attendance of hon. Members, at all events, for a question of so much importance, and a large number of Members must have been in a state of uncertainty whether a vote of this kind would be taken at so late an hour. If the House were determined to divide on the question, they ought to be reminded of the finding of the Commissioners on the last Wakefield election. They found that 98 persons committed corrupt practices and were guilty of acts of bribery in respect of the votes of other persons. They found that 86 persons committed corrupt practices and were guilty of acts of bribery in respect of their own votes. They found that 12 of the last-named 86 were guilty of acts of bribery, not on one side only, but on both. That was the picture drawn by the Commissioners, and the question was whether two years' suspension of the writ was a sufficient visitation for such a state of things? Hon. Gentlemen opposite who were now so anxious for the writ to issue forgot the arguments they advanced a short time ago, when the question of reviving the franchise of Sudbury and St. Albans was discussed. They then said that the House was proceeding with injustice and partiality, and that the same measure that had been meted to St. Albans and Sudbury ought to be visited on other delinquent boroughs, such as Wakefield and Gloucester. The House was then told it was too lenient to Wakefield and Gloucester, and now it was told it was too severe. He fully recognized the right of the hon. Gentleman (Major Edwards) to bring the subject before the House, and the issue of the writ was a matter peculiarly within the province, not of the Government, but of the House itself. He thought it likely that the leading Members of the benches opposite would like to be present on a matter of such importance. That was a courtesy due to them, and he was surprised that so little regard for the opinion of those who presided over their deliberations was paid by hon. Gentlemen opposite. If the House on the present division thought fit to re-affirm its former vote he should not object to the issue of the writ.

Sir WILLIAM JOLLIFFE said, he saw no reason for delaying the issue of the writ.

Viscount PALMERSTON said, that before hon. Members went to a division, they ought to afford to his hon. and learned Friend the Member for Reading (Mr. Serjeant Pigott) an opportunity of stating the reasons on which the Commissioners had based their Report. If the House was ready to go into the discussion at that hour (a quarter to 2 o'clock), the Members of the Government would not object to the lateness of the hour. It was, however, due to his hon. and learned Friend to hear what he had to allege in support of the view taken by the Commissioners.

Mr. KNIGHTLEY said, there was no question that Wakefield and Gloucester were corrupt, but other boroughs were equally so. He saw in the House the Members for Hull, Norwich, Beverley, and Berwick-on-Tweed, and there were plenty of places equally corrupt with them.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 77; Noes 85: Majority 8.

Original Question again proposed.

Mr. CONINGHAM said, he would move that the House adjourn. It was impossible that the matter could be discussed at that time (nearly two o'clock). He considered the conduct of the Government excessively weak on this subject. They ought to have decidedly indicated to the House the course to be pursued.

Mr. Serjeant PIGOTT said, he had no wish, so far as he was personally concerned, for the adjournment; but there was a strong opinion that the writ should not be issued; and, whether issued or not, that there should be time for the discussion of a question which was said to involve the principle of purity of election. The discussion could not conveniently be taken at that hour, and it ought to be borne in mind that the House had already been sitting for twelve hours. A question of that importance ought not to be dealt with in a corner and in the darkness of the night, when three-fourths of the House were not present.

Major EDWARDS remarked, whether the House was full or not, he had given seven days' notice of his Motion; and he must say that he had never seen during the present Session so full a House at that hour in the morning. He thought that after what the right hon. Gentleman the Home Secretary had just said, the Government were now bound to proceed with the discussion of the Motion.

Mr. H. BERKELEY said, he hoped the Government, which had so often shown a desire that the House should proceed with the business before it, when hon. Members desired to adjourn, would yield to the majority which had just been declared.

Mr. CLAY said, he was rather surprised at the opposition which was offered to those on his own side of the House by an hon. Gentleman who annually proposed his own nostrum for purity of election.

Mr. BONHAM-CARTER said, he thought it was very evident that the supporters of the original Motion had already made up their mind as to how they should vote, no matter what discussion might take place. He hoped the adjournment would be agreed to.

Viscount PALMERSTON asked the House seriously to consider the Vote which they would give on the present occasion. What was the position in which the House stood in respect to the matter at issue? They were called upon to come to a decision with respect to a borough in whose case it had been declared that a number of persons had been found guilty of bribery and corruption. His right hon. Friend the Home Secretary had now a Bill before the House dealing with bribery and corruption at elections, and yet, pending that Bill, at two o'clock in the morning the House was called upon to issue a writ, the issue of which would practically preclude the extension of any penal enactment to the borough in question. Such a proceeding would, he thought, to say nothing worse, be liable to great misconstruction on the part of the public. Under these circumstances he hoped hon. Gentlemen opposite would not persevere in the course which they were taking.

Sir JAMES ELPHINSTONE said, the noble Lord's observations might have done very well before the promise made by the right hon. Gentleman the Home Secretary on the part of the Government, that he would not oppose the progress of the discussion after the last division; but after that the Government ought to keep their promise.

Mr. LOCKE said, he would go on dividing all night rather than the proposal for the issue of the writ should be carried by a majority that was evidently packed.

Mr. DARBY GRIFFITH asked, whether the House of Commons was to be controlled by a rash phrase uttered by a Secretary of State? It was one of the weakest expressions he had ever heard from the right hon. Gentleman. Therefore, although the right hon. Gentleman had promised the Government would not oppose the progress of the discussion after the last division, the House ought to take no notice of that, but insist upon the adjournment.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 74; Noes 81: Majority 7.

Original Question again proposed.

Sir GEORGE LEWIS said, after what had taken place he should suggest the House might allow the Resolution to be put.

Mr. LOCKE said, the great question of purity of election was the real question at issue, and it seemed to him that hon. Members forming the majority did not care anything about it; he should, however, give them another opportunity of reconsidering their decision.

Viscount INGESTRE said, he wished to know whether the Government were to be believed or not, after the conduct which had been pursued by one of their Members that evening?

Mr. AYRTON said, that in the absence of the distinguished leaders on the other side, he would put it to the hon. Gentlemen opposite whether they would not be satisfied with the triumphs which they had already obtained, and gracefully agree to an adjournment.

Mr. H. BERKELEY said, he was ready to admit that it would suit the dignity of the majority if they were to yield. He believed that on a future occasion they would find themselves strengthened in dealing with the question at issue.

Sir GEORGE LEWIS said, he hoped hon. Gentlemen opposite would adopt the suggestion of the hon. Member, especially as it was doubtful whether, technically speaking, seven days' notice had been given of the original Motion, as it was given only on Friday last for the following Monday, and that the first day in which it appeared on the paper was Saturday as for Monday.

Sir WILLIAM JOLLIFFE said, whether the technical objection was sound or not, he would advise his hon. and gallant Friend to accede to the wishes of the minority.

Mr. LYGON appealed to the Government, as the debate could not continue much longer, to fix a day when the sense of the House might be taken on the question under consideration.

Viscount PALMERSTON said, that looking to the position of public business, he could not fix any day for the future discussion of the question.

Sir FRANCIS GOLDSMID said, he considered that sufficient notice in compliance with the order of the House had been given.

Mr. SPEAKER ruled that sufficient notice had been given.

Major EDWARDS announced his readiness to consent to the adjournment of the debate until Friday next.

Motion made, and Question, "That the Debate be now adjourned," put, and *agreed to*.

Debate *adjourned* till *Friday* next.

House adjourned at Three o'clock
till Monday next.

HOUSE OF LORDS,

Monday, July 1, 1861.

Minutes.] Public Bill.—1ª East India Council, &c.

CHURCH RATES.

The Bishop of LONDON, in presenting Petitions from Christchurch, Paddington, and elsewhere against the Abolition of Church rates, said, that while all the petitioners were opposed to the unconditional abolition of church rates, yet, all the petitions implied that the law on that subject ought, as soon as possible, to be changed. He was authorized by the most rev. Prelate who presided over that province to say, that he would hail—as he himself certainly would—with pleasure the speedy settlement of the question upon the basis of the Report of the Select Committee of their Lordships' House which sat last year. He believed he spoke the sentiments of all his right rev. Brethren when he said that they would deplore any settlement which would leave anything rankling in the minds of their Dissenting brethren; but they held that the Report of the Select Committee offered the grounds of an amicable adjustment. They were of opinion that it was impossible to satisfy certain persons who were bent on the dissolution of the connection between Church and State, but they were convinced that these persons formed a very small minority in the country, and undoubtedly a very small proportion of that majority in the House of Commons which had hitherto passed the Bill for the total abolition of church rates. They believed that many Churchmen were so much dissatisfied with the present law that they would be glad to vote for the total abolition of the rates rather than leave things as they were; but he was sure that any proposal for the speedy, final, and amicable settlement of the question would receive the support of the large majority of the right reverend Bench,

The Duke of MARLBOROUGH said, that a Bill for the amendment of the law related to church rates having been introduced into the other House, which he hoped their Lordships would have an opportunity of considering, he would withdraw his own measure on the subject.

THE ANNEXATION OF SAINT DOMINGO.

MOTION FOR COPY OF MEMORIAL.

Lord BROUGHAM, in moving for a copy of the Memorial addressed to the Secretary of State for Jamaica, respecting the annexation of St. Domingo by Spain, said, it had often happened that his views had been in conflict with those of our colonial fellow-subjects upon questions relating to slavery; but on the present occasion he had the happiness to be entirely of their opinion, and to join with them in urging their Lordships to consider the Memorial to which his Motion referred. This document was agreed to at a public meeting at Kingston, and received the signatures of 3,700 persons, who prayed the Crown to refuse its assent to the annexation of St. Domingo to Spain. The alarm which the memorialists expressed at the prospect of San Domingo being annexed to the Spanish dominions was most natural; for they had long been suffering from the competition of slave-grown sugar from Cuba. It was true, that when that great measure the emancipation of our West India slaves was carried, a very large sum was paid the planters by way of compensation; but that compensation, particularly in Jamaica, had been found inadequate, and much suffering had resulted in consequence. The great source of their suffering had, however, been the admission of slave-grown sugar into our markets, and now they naturally felt considerable apprehension lest the annexation of St. Domingo, or rather of the eastern part of the island, to the Spanish territory should render matters infinitely worse. They feared lest slavery should be revived by the Spaniards. It was true it had been stated more or less distinctly by the Spanish Government that it was not their intention to revive slavery in San Domingo. The reason given was that slave cultivation was not required in San Domingo, in consequence of the excellence of the soil. But was the soil more excellent in San Domingo than in Cuba? Nothing of the kind. The soil of Cuba, beyond doubt, was superior, yet, in Cuba, slavery had been continued down to the present hour. He regarded the declaration of the Spanish Government that there was no intention to introduce slavery into the eastern portion of the island of St. Domingo with more than suspicion. Looking to the more solemn engagements by treaty which the Spanish Government had left unperformed, those suspicions were converted into all but a certainty that slavery would be introduced. The Spanish Government complained that they were misrepresented in general declamatory statements. He would, therefore, use the very words of the Treaty of 1817—

> "His Catholic Majesty concurs in the fullest manner with the sentiments of His Britannic Majesty on the iniquity and inhumanity of the traffic in slaves. He engages to take effectual measures for its suppression, conformable with the principles of humanity with which he is animated, and he hopes the moment will be hastened when that object shall be obtained."

He then engaged

> "To declare that it shall be unlawful for any subject of the Spanish Crown after the 30th of May, 1820, to engage in that inhuman traffic;"

and within two months of the ratification of the treaty

> "To promulgate throughout the Spanish dominions a penal law inflicting severe punishment on all who, on any pretence whatever or in any

way whatever, shall take any part in the traffic in slaves."

In 1835, however, it was found necessary to make another convention, whereby it was declared that all traffic in slaves should totally and finally be abolished in all parts of the Spanish dominions—that inhuman traffic which the Spanish King had solemnly engaged to put down in 1817—and a stipulation was inserted for the payment by this country of £400,000 as compensation to those persons whom His Catholic Majesty should name. That part of the treaty had been most punctually performed, but not so the other parts. The slave trade to Cuba was continued not only equal to what it was, but it had increased, so that instead of 20,000 or 30,000 unhappy Africans being transported to Cuba every year, for several years past the numbers had risen to £40,000. The Spanish Government said they had done all they could, that they had written despatches to the Captains General of Cuba, desiring them to put a stop to the trade; but the Portuguese Government had acted in a much more vigorous manner, and had abolished their slave trade altogether. From 60,000 it was reduced in a single year to 12,000, then to 5,000, and for the last seven or eight years it had ceased altogether. Nothing could exceed the honesty and good faith of the Portuguese Government; their cruisers had always done their duty most effectually, and the Brazilian Government had responded to their efforts and put an entire stop to the Brazilian slave trade. In that country he was informed the treatment of persons of colour was most liberal. A free negro had been a court physician, and others had been employed in various confidential positions. As long as the slave trade continued it was impossible that any progress could be made in developing the commerce of Africa. While this traffic was permitted the people preferred to seize and sell one another, but the instant the traffic ceased their energies were devoted to innocent commerce. He had the authority of Mr. Gabriel, the able and highly respectable member of the Mixed Commission, and who had been twenty years on the coast, for the statement that on the abolition of the Brazil slave trade the African exports, which had been little or nothing, soon rose in Loango alone to £230,000, and the imports to £20,000 or £30,000 annually of British manufactures. The whole exports from the African coast were nearly £1,500,000. With regard to the annexation of San Domingo, he understood that Hayti had offered to the Spanish Government at Madrid, by its Minister, to acknowledge the eastern part of the Island called San Domingo, but the answer given was that it was too late—meaning that the Spanish Government had determined to accept the annexation. He would not stop to discuss the question whether any territory had a right to annex itself to another territory without the consent of its neighbours; because, in this case, nothing like the consent of the people of San Domingo had been shown. San Domingo was held in thraldom by a reign of terror. Some 5,000 or 6,000 Spanish troops had been sent from Cuba, and more would be sent, no doubt, if necessary. The consequence of the Spanish intervention was that the great territory of Hayti was kept in a perpetual state of preparation for war although they were at peace. He knew from the highest authority that there was the greatest inclination in that island to apply these resources to the promotion of education, and the improvement of their institutions. But all was absorbed in the military preparations rendered necessary by the Spanish intervention. In fact, that part of the world was in the same unhappy predicament with Europe, having peace with all the expenses of war; so that, in some respects, we might say—*Sævit toto mars impius orbe.* No wonder, then, that the annexation was strongly opposed by Hayti, and he was informed that nothing could exceed the ill consequences which would occur to that flourishing republic from the change. He wished the French Government would join with our own in protesting against the annexation of St. Domingo, but he had little hope that it would; however, one of the evils of the annexation was that France would, in all probability, not be an indifferent spectator of it, and the Haytians were not a little alarmed by the apprehension of her making some attempt to regain her ascendancy, lost after a desperate conflict early in this century. Her succeeding in any such attempt by force was utterly impossible; there was not a man in Hayti who would not lay down his life in the struggle to maintain their independence. America had shown a strong disposition to prevent the Spanish annexation, having warned the Spanish Government that they did it at their peril. Some were apprehensive of the threat, meaning that the Federal Government would annex Cuba and Porto Rico; but this plan seemed impossible to be in the contemplation of the Northern States, declared enemies as they were to slavery. How far it might fall in with the policy of the Southern States was another matter. It was, however, plain that this annexation involved questions of the utmost importance to a large body of men, Cuba having a population of 1,600,000, of which nearly a million were slaves, and Porto Rico 400,000, with comparatively few slaves. In all respects, therefore, the annexation was entirely to be deprecated, as well for the great island itself, with its population of nearly a million, as for the other countries in its neighbourhood. That annexation was not, perhaps, to be resisted, but it was to be strongly protested against, and he hoped that steps would be taken by our Government with that object. In conclusion, he moved a humble Address to Her Majesty for a copy of the Memorial in question.

THE DUKE OF NEWCASTLE said, his noble and learned Friend, in making a very simple Motion, had alluded not merely to the annexation of St. Domingo, but to the wide and very serious question of the continued traffic in slaves on the part of Spain. Their Lordships would not expect him to enter into subjects which fell within the sphere of the Foreign rather than of the Colonial Office; but he could not avoid expressing his regret that his noble and learned Friend so frequently brought these grave charges against the Spanish Government, in season and out of season, reading passages from treaties, and taunting the Spanish Government with the breach of them. This would not be matter for regret if he were likely to accomplish the benevolent object which he had in view, and to stop the traffic in slaves; but his (the Duke of Newcastle's) own individual opinion was that the course pursued by his noble and learned Friend was not calculated to attain that object. Such allusions to the Government of a proud and sensitive people like the Spaniards were rather likely to aggravate the evil by rendering them obdurate on the subject and by weakening the hands of the Executive Government both in this country and in Spain for the purpose of effecting the object which his noble and learned Friend had so sincerely at heart. As regarded the assumption by Spain of the sovereignty of St. Domingo, his noble and learned Friend deprecated it on the ground upon which the petitioners in Jamaica had remonstrated. How far the suspicions which had been expressed might be realized he could not say, but the declarations of the Spanish Government were most distinct. They said, no doubt, as stated by the noble Lord, that slavery was not required in St. Domingo, while it was in Cuba, because the soil was more fertile in the former island. But this was not the only reason assigned by the Spanish Government, for they had repeatedly and emphatically declared, both verbally to the English Minister at Madrid and in written communications, their firm determination not to allow slavery in any form to be established in St. Domingo—basing that declaration not on the ground of self-interest, but expressly recognizing that such an act would be at variance with the faith of treaties and opposed to the interests of civilization. He believed he was accurately quoting the language used by the Spanish Government on more than one occasion. Of course, the noble and learned Lord was at liberty to express his opinion as to the validity of these promises, and the probability of their being kept; but, so far as the English Government was concerned, these declarations had been most distinct. The memoralists took the same view as that which had been just urged. They feared that if slavery was again introduced into St. Domingo they would have to compete with the slave-grown sugar both from that island and from Cuba, and, therefore, they hoped that Her Majesty would take some steps to prevent the annexation. Though this memorial only stated the same grounds as those which his noble and learned Friend had gone over, there could not be the least objection to produce it if it were desired.

VISCOUNT STRATFORD DE REDCLIFFE did not wish to enter into the question at any length, but he must say that when their Lordships carried their recollections to former times, when they remembered that Spain owed her liberties and even her existence to the exertions of this country, and then turned their recollections to the many occasions when Spain had put herself in a false position towards this country by the course she had pursued on many occasions, he could not refrain from expressing his satisfaction that there was at least one Member of their Lordships' House who had spoken the truth on this important subject. Nothing could be more extraordinary than the conduct of Spain with regard to the pecuniary loan she had received from the capitalists of this country—she had repeatedly and systematically violated—he was sure he did not aggravate the expression every engagement she had entered into with them. On this question of the slave trade they had the information afforded by Her Majesty's Consul at Cuba, that the most solemn engagements of Spain with regard to the slave trade were not only systematically violated, but the known violators were rewarded by the Spanish Government. He was sorry, therefore, that Her Majesty's Government did not propose to take more energetic steps in this matter of the annexation of St. Domingo. But this was not the only point where the Spanish Government set itself in opposition to English feeling. Wherever there was a question of humanity or wherever humanity and religious sentiment were mixed up together, the Spanish Government was in opposition to England. English subjects who went to live in that country and to carry on their commercial affairs were not allowed to worship God according to their conscience; and even the religious service allowed our Ambassador at Madrid was so much a matter of privacy that if a stranger went into the chapel it was considered a violation of Spanish law, and he was apt to be turned out by the police. He thought the noble and learned Lord had done his duty in calling attention to this question, and he hoped that what had passed would have a beneficial effect upon the Spanish Government.

Lord BROUGHAM said, it was a slender proof of no intention to restore slavery, that the Spanish Government said it would be at variance with treaties—what treaties could be more solemn than those of 1817 and 1835, in the name of the most Holy Trinity, and yet they were shamefully broken in all but the reception of the money. He suggested that in any communication with the Spanish Government his noble Friend should remind it that General Valdez, during the years he was Governor of Cuba, succeeded in bringing down the slave trade to little or nothing; but his successor raised the head-money on the slaves imported from 1½ to 3 doubloons, and men were known to have made £100,000 in two or three years, every farthing of which was blood money.

Motion *agreed to.*

House adjourned at a quarter past
Six o'clock, till To-morrow,
half-past Ten o'clock.

Viscount Stratford de Redcliffe

HOUSE OF COMMONS,

Monday, July 1, 1861.

Minutes.] Public Bills.—1° Inland Revenue.
2° Municipal Corporations Act Amendment (No. 2); Windsor Suspended Canonries; Inclosure (No. 2).
3° Bills of Exchange and Promissory Notes (Ireland); Local Government Supplemental.

FACTION FIGHTING (IRELAND).
QUESTION.

Mr. VINCENT SCULLY said, he rose to ask the Chief Secretary for Ireland Whether his attention has been called to the published Address of the Chairman of the County of Tipperary (Mr. Sergeant Howley, Q.C.) to the Grand Jury at the recent Quarter Sessions of Cashel, with reference to a Document directing that cases of Faction Fighting shall no longer be tried at the Quarter Sessions, but sent to the Assizes; and whether he will state the nature of that Document, and the grounds for it?

Mr. ROEBUCK rose to order. He did not think that any question asked ought to contain an insinuation which could not be answered. The right hon. Gentleman (Mr. Cardwell) was asked to state the grounds on which a certain document had been issued. Now, if those grounds were wrong the House had no opportunity of expressing an opinion on them.

Mr. VINCENT SCULLY: I rise to order.

Mr. SPEAKER: The hon. Member is in order.

Mr. ROEBUCK thought he was quite right. The right hon. Gentleman ought not to be called upon to state the grounds upon which the document was issued unless an opportunity were given to the House to state its opinions upon them. He asked whether the question was in order?

Mr. VINCENT SCULLY: I totally repudiate that I intend to cast any insinuation whatever.

Mr. SPEAKER: As a question of order the hon. Member has a right to put his question. In what manner the right hon. Gentleman may think fit to reply is another matter. But I cannot say that there is anything in the question to prevent its being put. It is impossible for me to interpose on the present occasion on a point of order.

Mr. CARDWELL said, the document

referred to was a Circular which the Lord Lieutenant of Ireland, acting upon the advice of the Law Officers of the Crown, had forwarded to the Justices of Quarter Sessions. There was no intention of showing the slightest disrespect to the Justices of Quarter Sessions; but it was thought better, for the interests of justice, that persons concerned in faction fighting should be tried by a Jury selected from a wider area at the Assizes than by one drawn from the narrower area of the district in which the occurrence took place.

THE DERRYVEAGH EVICTIONS.

QUESTION.

Mr. VINCENT SCULLY said, he had now, with the permission of the hon. Member for Sheffield, to ask the Chief Secretary for Ireland, Whether he intends to propose any Inquiry, either through a Royal Commission or Select Committee of the House of Commons, into the Recent Evictions from the lands of Derryveagh, in the County of Donegal, or as to the Statements published by Mr. John George Adair, J.P., attributing a guilty knowledge of murder and other crimes to the evicted Inhabitants; also as to the several allegations made in Parliament on Monday, the 24th day of June, that Ribbonism exists in that district; or, if indisposed to originate an Inquiry, will the Chief Secretary be prepared, on the part of the Government, to support or sanction a Motion for an Inquiry proposed by an independent Member?

Mr. CARDWELL said, it was not the intention of the Government to propose either a Commission or a Committee on this subject. With respect to the course that the Government might take on any Motion made by an independent Member, he thought he should be acting more in conformity with the wishes of the House if he declined to state what course the Government would pursue under certain circumstances until a specific Motion were submitted to them.

LAW RELATING TO SALVAGE.

QUESTION.

Sir HENRY STRACEY said, he would beg to ask the President of the Board of Trade, If it his intention to introduce a Bill to remedy the defects in the Law relating to Owners and Salvors of Vessels?

Mr. MILNER GIBSON said, that some portion of the defects of the Law relating to Salvage had been remedied by an Act passed this Session called the Admiralty Courts Act; and if the hon. Baronet would look at the Ninth Clause of the Act, he would find that the provisions of the Merchant Shipping Act with regard to the Salvage of life within a limited distance from the coast had been extended to the Salvage of life wherever it occurred, so far as related to British shipping. As far as related to Foreign vessels there was no authority to interfere except under the provisions of an International Treaty. A Bill had been prepared on the subject to which the hon. Member referred; but he (Mr. Milner Gibson) feared there would not be time to introduce it this Session. He hoped to lay it on the Table early next Session.

Sir HENRY STRACEY said, he wished to ask, whether the right hon. Gentleman will give his support to a Bill embodying the principles of which he has already expressed approval, in case he (Sir Henry Stracey) introduced it?

Mr. MILNER GIBSON said, it was impossible for him to answer the question without having first seen the proposition of the hon. Baronet.

SCOTTISH LUNACY ACT.

QUESTION.

Mr. LESLIE said, he wished to ask the Lord Advocate, Whether he intends to introduce, during the present Session, a Bill to amend the Lunacy Act in Scotland?

The LORD ADVOCATE said, it was the intention of the Government to bring in such a Bill in the course of the present Session.

APPROPRIATION OF SEATS (SUDBURY AND ST. ALBANS) BILL.

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into Consideration."

Mr. T. DUNCOMBE said, he would appeal to Mr. Speaker whether, in the course of his experience, he had ever witnessed a Bill so changed in its passage through the House as the Bill then under consideration? It was to all intents and purposes a new Bill. The Bill as it stood had never been read a second time, and had never passed through Committee. It proposed to give four Members to the West Riding of the county of York. The original Reform Bill only gave two Members to the county of York; the original Appropriation of Seats Bill, as introduced by the Government, proposed to give an additional Member; but they were now asked to cut up the West Riding into two divisions, and to give two Members to each. The Bill was only popular at all because it proposed to give an additional seat to the metropolitan district entitled from its wealth, intelligence, and population to the addition. But the Government were defeated upon that proposition, and after their defeat they ought not to have condescended to proceed with a Bill so completely altered—he would not say mutilated. At all events, if the change now proposed was to be made, it should not be done upon the Report, but the Bill should be recommitted. Since he had had the honour of a seat in that House—a period of thirty-five years—he had never before seen a new Bill brought in upon the Report in that manner. Why, the borough of Wakefield, which had been convicted of corruption, would have its share in this distribution, for they were going to give two additional Members to the very district in which that corrupt borough stood. Let them, if they chose, take away a seat from Wakefield, and give it to the West Riding; but let them not refuse a seat to Chelsea, and afterwards to Middlesex, and then carry it to the West Riding, and place it at the very door of the seat of corruption. He understood a Motion had been made by a gallant Officer the other night to issue a new writ for Wakefield, and that that Gentleman could not understand why he had withdrawn from the question. After he found that he could not bring forward his Motion as a matter of privilege at the commencement of business he considered that it would have been a perfect act of folly to bring forward the question on constitutional grounds, which were the grounds he took. He maintained that if they were not prepared to approach the question constitutionally, and if they were not prepared to extend the limits of the borough, so as to bring in a greater number of electors, they ought not to issue the writ. But that was a question of too great magnitude to be discussed after twelve o'clock at night; not that he meant to say that the hon. and gallant Officer might not succeed where he might fail, but he certainly did consider that it would be an act of folly to introduce the question at a late hour, and the hon. Gentleman could speak from experience whether he was far wrong in that opinion. With regard to the particular question before the House, he thought the Bill at all events should be recommitted if it were proceeded with. The Government intended to introduce six new clauses to give effect to their Amendments with regard to the West Riding, and to make twenty or thirty Amendments besides. Such alteration had never before been proposed upon bringing up of a Report, and if they were afraid to recommit the Bill he recommended that it should be given up altogether, for it was unworthy of a Government calling itself a reforming Government. They were beginning, too, at the wrong end. They first of all brought in a Bill early in March to amend the law of election, and to do away with the corrupt practices that prevailed, and yet they were now going to give away four new seats without any alteration in the election law being made —to bring new seats into the very corruption of which they complained. Let them do what they could to stop corruption, and then, if they liked, they might give away the four new seats with an opportunity for the electors to act honestly. For the reasons he had stated he thought he was justified in moving that the order of the day for the consideration of the Amendments to the Bill should be postponed for three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Mr. VINCENT SCULLY said, he rose to second the Motion. The present Government called upon the Irish Members to assist in putting out the Government of the Earl of Derby, in order that they might bring in a more comprehensive measure of Reform than they had proposed, and that the interests of Ireland might be better attended to. They had a pretty specimen in this Bill of the way in which those interests were cared for by Her Majesty's Ministers. *The Dublin Evening Mail*, an Irish paper which knew very well what was going on here, made some comments on this Bill, which he would read to the House. It stated the case as well as he could do it himself. The extract was not a long one. [The hon. and learned Member read a paragraph from *The Dublin Evening Mail*, in which it was inferred that the Government had been "jockeyed" with regard to the proposed re-distribution of seats, as the House had sanctioned an arrangement under which it was probable that three, if not four, would eventually fall into the hands of the Conservative party.] At a recent meeting in Rochdale the hon. Member for that borough and the hon. Member for Birmingham (Mr. Bright) expressed their opinion that there should be a measure of Reform. The hon. Member for Birmingham said, "A comprehensive measure of Reform." Was the Bill before them, he would ask, a comprehensive measure of Reform? In his opinion it was a measure not of progressive but retrogressive Reform.

Mr. CONINGHAM said, he should certainly give his support to the Motion of the hon. Member for Finsbury. Anything less satisfactory than the mode in which the Government had dealt with the question it would be difficult to conceive. They had not only acted in a way very little to promote the interests of the Liberal party, but very little calculated to strengthen their position. He believed that the working classes were quite able to obtain an extension of the franchise if they wished, and that the noble Lord (Lord John Russell) could best promote the interests of the Liberal party by changing the distribution of seats. The Bill before the House was altogether for that purpose, and it dealt with it in a manner most unfavourable for the Liberal party. Three of the seats were given to the counties, and, so far as they could judge, to the Conservative party. It was a scheme which ought to receive no support from that side of the House.

Mr. DENT said, he could not agree in the view taken of this question by the hon. Member for Brighton (Mr. Coningham). The question was not whether the Liberal or any other party should be strengthened, but what was best for the good of the country generally in regard to the distribution of the four seats at the disposal of Parliament. He thought the measure, on the whole, a satisfactory one.

Mr. HADFIELD said, that the North Riding of Yorkshire had 224,000 inhabitants, and the East Riding 281,000, making together 525,000; whereas the West Riding contained 1,570,000 inhabitants. The southern division of the West Riding contained about 400,000 inhabitants, and the only borough representation for that immense population was Sheffield. The rateable value of the property of the West Riding was no less than £3,126,669, and, therefore, it was entitled to two additional Members. He did not approve, however, of making so corrupt a borough as Wakefield the place of election and nomination for the whole of the West Riding, and he trusted that an Amendment would be made in the Bill, so that the southern division would be entitled to have its election conducted at a place where purity of election had never been questioned or doubted.

Lord JOHN RUSSELL observed, that the hon. Member for Finsbury had urged no satisfactory objection to their proceeding with this Bill. The House, in considering a Bill as amended could take the whole of that Bill into consideration; and when it was argued by the hon. Member that there ought to be a new Bill, they had to consider whether or not it had been totally altered in its provisions, and whether it was a different Bill from that which had been originally introduced? The Bill, when it was introduced, proposed to give an additional Member to the West Riding of Yorkshire, and one to South Lancashire, and also to give one Member to Birkenhead and one to Chelsea and Kensington. The three first propositions were assented to by the Committee, but the proposal relative to Chelsea and Kensington was rejected. He did not wish to argue that question again. A Motion was made by the noble Lord the Member for Middlesex (Viscount Enfield) that the county of Middlesex should have an additional Member, but that was, likewise, rejected by the Committee. His noble Friend (Viscount Palmerston), with the view of bringing about a settlement of the question stated that he would make or support a proposition that the West Riding of Yorkshire should be divided, and that two Members should be given to each division. That was the only seat now in dispute, and the question was—would they further consider the Bill and say whether it was expedient to divide the West Riding and give it, not one but two additional Members. He thought the original proposition of the Government was a preferable one; but, at the same time, they all knew that the West Riding of Yorkshire, both in point of population, wealth, and the number of electors, very considerably indeed went beyond other counties. The hon. Gentleman (Mr. Coningham) said "Oh! but Wakefield, which was in the West Riding, was a corrupt borough." He quite agreed with the hon. Member, and he would be shocked to see a proposition carried for the issue of a writ in the case of that borough; but that was not the question before the House. The question was whether because the borough of Wakefield stood in the West Riding, the latter should be disqualified from having an additional Member? He could not see that that was a just and reasonable proposition. The case was this—a Bill had been introduced to appropriate four seats; three of these had been appropriated, and they had to decide as to the fourth. As to there being anything radically wrong in the proposal, he would remind the House that in many cases which from time to time had been brought before Parliament, including such places as Shoreham, Grampound, and East Retford, Parliament, when it disqualified a borough from returning Members, made a provision for the substitution of some other place. But in the case of St. Albans and Sudbury that course was not followed, because these places were intended to be dealt with and were dealt with in every general Bill that for some years had been introduced for the disposal of seats by successive Governments. No general Bill was introduced this Session, and it only seemed reasonable that Parliament should proceed with regard to St. Albans and Sudbury as it had done in other instances. He saw no force in the objection which had been taken by the hon. Member for Finsbury, and hoped the House would proceed with the consideration of the Bill.

Lord FERMOY said, he did not think the proposition of the Government so very clear as the noble Lord had endeavoured to make it. On the contrary, it appeared to him that the Bill proposed in effect to alter the Reform Bill—one of the most noble and distinguished acts of the noble Lord's political life. The noble Lord had observed that the House had already agreed to the disposal of three seats, and that, therefore, there was only one now to dispose of. If, however, they dealt with the seat in the manner proposed by the Government, they would give the preponderance of representation as regarded the four seats to the agricultural districts. The original proposition of Government was to divide the seats between the urban and the rural districts, two and two. He went further, and said if the House wished to keep up the proportion established by the Reform Bill, they ought to give the whole of the four seats to the urban population. But the Government, as he had said, proposed to divide the seats two and two, and the proposition had in it an appearance of fairness; but in the course of the debate the Government was beaten, and the whole principle of the Bill was reversed. But if there was any question on which the present Government ought to have a fixed principle, and ought to stick to it too, it was on the question of Parliamentary Reform. The Government, however, had been beaten, and the noble Lord, the Member for the City of London, then said it was a small affair, "it was only a little one," and he would be content with one urban representative. But what was the borough that had been struck out? The very best in the list. Metropolitan representatives were, he knew, at a discount in that House. He did not admit that that was right. He would, however, not go into the question. The fact remained that a borough with its tens of thousands of people of education and wealth were bowled out from the Bill, and it was proposed to substitute for it an agricultural constituency. The right hon. Gentleman opposite had been in the habit of saying that Government ought to be a Government of party, but in that case the Government had abandoned all their principles to subserve the convenience of the moment. It was because the Government had not the manliness to stand up as against a majority of the House. Yes; a majority got together on different principles and with different objects. It was because the Government had not the manliness to appeal to the people of England, and ask them who was right, that there was that abandonment of principle, and that Liberal Members felt called on to come down to the House and endeavour to defeat the passing of the Bill. He meant to vote for the Amendment of the hon. Member for Finsbury, and for this simple reason—that he would rather see no Bill at all than to see the Bill before the House pass in its present shape. He would rather see it put off; he would rather see it deferred till the people of England could decide on the question whether they would have anything like a radical reform in the representation of the people. It was a question that would have to be sent to the country to be tried before long; and he thought those who sat on the ministerial side below the gangway would be abandoning their duty to the people if they consented to see such a Bill passed without offering it every opposition in their power.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 204; Noes 28: Majority 176.

Main Question put, and *agreed to.*

MR. STIRLING:* Sir, I have proposed the omission of South Lancashire from this Bill, because I believe the House has already expressed, so far as it can be expressed by individual speeches, an opinion unfavourable to what are called unicorn constituencies. Members of great authority have stated strong objections to constituencies of this kind; none, I believe, have said a word in their favour. Were a more comprehensive measure to be introduced and passed, I think it is probable that constituencies would be so divided that triple seats would cease to exist. I see no reason why we should now extend an anomaly which we all disapprove. Nor do I see why South Lancashire is better entitled to return three Members than several other of our great constituencies which equal or surpass that important county in the number of their electors.

The chief reason, however, why I seek to amend this Bill at all, is, that I find in this measure for the redistribution of seats, no provision for a great and important interest which is at present wholly unrepresented. The Universities of England and Ireland have a fair and influential direct representation in this House. Deprive them of their Members and still they would be represented here by a large body of graduates and old university men, well-informed as to their interests, and well-disposed to defend them. In the same manner you might deprive any city or county of its Members, and yet the interests of that city or county would be sure to be efficiently, though indirectly, represented by the Members for places similarly circumstanced as regards agriculture, or manufacture, or trade. But this remark is not applicable to our Scotch Universities. These institutions differ so materially from the Universities of England and Ireland, that the Members for those Universities, however kindly they may feel towards the northern sisters of Cambridge and Oxford, cannot fairly be said even indirectly to represent them. Of the Scotch Members who are Scotchmen by birth, only a small number have received their education at their native Universities. Yet, although the attractions of the great English seats of learning may have drawn many of the sons of the wealthier classes of Scotland from their native seminaries, it by no means follows that these are of minor importance as places of national education. Indeed, I may venture to assert that they have a stronger hold upon the affections, and exercise a larger influence on the character of the people of Scotland, than even the great English Universities possess and exercise on this side the Tweed. In England twenty millions of people maintain less than 3,000 students at Cambridge and Oxford. In Scotland a population under three millions maintain upwards of 3,500 students at our four Universities.

On the history of these Universities I need not, and I shall not, dwell. Three of them are very ancient. St. Andrews founded in 1411, Glasgow in 1450, Aberdeen in 1494, have papal bulls among their earlier charters, and belong to the days of the revival of arts and letters. Edinburgh, the youngest of the four, was founded by Royal charter in 1582. Slenderly endowed from the resources of a poor and a rude country, these Universities have ever held an honourable place in the commonwealth of letters. Early in their career they furnished teachers to the universities of fairer and wealthier lands, and in their venerable yet vigorous age they are the survivors of many prouder seats of learning. If in some important branches of scholarship they cannot pretend to a foremost place, they have been the means, for many generations, of diffusing sound knowledge, at a cheap rate, over an entire people. They have been open, not in theory merely, but in practice, to the poorest of our countrymen. Long before England began to think of sending the schoolmaster abroad, these Universities had sent a schoolmaster of considerable erudition to almost every parish in Scotland. English literature has inscribed on its own bright roll the names of many of their professors, especially of those who have cultivated philosophy and political science. To England herself these Northern Universities for long supplied a want—for which she herself has only lately made provision—a place of sound intellectual culture, apart from all sectarian influence.

These facts I think justify me in claiming for the Scotch Universities the character of national institutions, in the British and imperial sense, and in asking the House of Commons to consider their claims to representation in Parliament. The argument that England and Ireland have six University Members, while Scotland has none, is, in my opinion, a strong one; but it depends, of course, for its strength on my power to show that Scotland possesses a University constituency worthy of being ranked with the other University constituencies of the kingdom. The question, therefore, naturally arises, how is this University constituency composed? I must admit, at once, that it differs from those of England and Ireland, inasmuch as it is not wholly composed of graduates. The General Councils of our Universities, created by the University Act of 1858, may be held as strictly analogous in their constitution and power to the Senate of Cambridge and the Convocation of Oxford. In these great English bodies certain degrees have always entitled members of the Universities to sit and vote on the affairs of each University; but in Scotland, until 1858, graduates had no powers of corporate action at all; and degrees were, in fact, mere honorary certificates, of no use or benefit, except as conferring a certain title, and in some cases giving a prefix to the name. There being no great motive for taking them, degrees, except those in medicine, had fallen into general disuse. Degrees in Arts were taken in some of the Universities to the number of perhaps two or three in a year. For the purpose, therefore, of securing to our Universities a really popular element, the Act of 1858 provided that the General Councils of each University should be open not only to graduates, but to all persons who could show that they had previously studied there for four years, or had studied there for three years, and one year in one of the others. Those persons who had not graduated, but who might have done so, were for a time to be entitled to claim seats in the General Council. This time was limited to three years from the passing of the Act, and it expires on the 2nd of August next. From and after the 2nd of August in the present year, graduation will be essential to a place in our General Councils, and these Councils will be completely assimilated in character to the Senate and Convocation of the great English Universities. Meanwhile, the number of graduates in arts has for some years been steadily increasing. In St. Andrews, in 1800, two persons took the degree of Master of Arts. From 1839 to 1859, the average number was about eight. In 1860, after the institution of General Councils, the number was twelve. At Glasgow the average number, from 1851 to 1859, has been about twenty-five. In 1860 the number was forty-five, and 1861, sixty-four. I am, therefore, justified in asserting that the privileges already conferred by the Act have been highly valued, and eagerly and increasingly claimed.

As regards the composition of these Councils, I believe they represent a far wider social field than the corresponding bodies on this side of the Tweed. In Scotland, University education being much cheaper, has long been more eagerly sought after by all classes. Even allowing that a considerable number of our 3,500 University students in Scotland are strangers, our Scotch students are (proportionally to our population) far more numerous than the undergraduates of the English Universities. The body of graduates annually recruited from this large number of students, will therefore represent all classes of the community. It will embrace nearly all the members of the learned professions, the clergy of all denominations, and the most intelligent persons connected with all branches of trade and industry, commercial, manufacturing, and agricultural. No means at present exists enabling me to offer any precise information as to the relative numbers of the respective classes. I have heard some persons express an apprehension that the clerical profession would be unduly represented, and would, in fact, form the majority of the constituency. I may say that I do not share that apprehension. From an examination of the Edinburgh University Calendar, and the information—conjectural I admit—which I have received from persons likely to be well informed, I do not think the number of clergy of all denominations would exceed one-third of the whole. At Cambridge and Oxford the proportion of the clerical element is far higher than this. At Trinity College, Cambridge, of 1,534 masters of Art, 752 are clergymen, and 784 are laymen. At Christ Church, Oxford, of 315 Masters of Art, 209 are clergymen, and only 106 laymen. It must also be remembered that in Scotland the clerical element is divided into three parts with conflicting views and interests, and that this division will deprive it of much of the power which it might otherwise exercise, and will in a great measure neutralize its influence.

So much for the character and composition of these General Councils. I must now beg the House to turn its attention to their numbers. According to the last Return which I have received, dating from the 5th of June, I find they are as follows:—Edinburgh, 1,980; Glasgow, 842; Aberdeen, 775; St. Andrew's, 322: Total, 3,919; a number already larger than that of the Convocation of the University of Oxford. Nor is this all. I think I can also show good ground for believing that, in this Scotch University constituency, there is a fair prospect of a very large and speedy increase. Look at the numbers of our students:—Edinburgh, has 1,530; Glasgow, 1,182; Aberdeen, 653; St. Andrew's, 143; 3,508 in all. Cambridge I find has 1,529 under-graduates, out of which is recruited an electoral body of 4,889. Oxford has about 1,283 under-graduates, who recruit an electoral body of 3,786. In round numbers, therefore, in the English Universities the proportion of under-graduates to electors may be stated as about one to three. Can any reason be alleged why this proportion may not soon be reached in Scotland? With equal inducements to graduation, I believe it would be found that Scotchmen of all classes would graduate in still greater numbers. But accepting the proportion of England, one student to three electors, the constituency of the Scotch Universities is likely ere long to be, not 3,900, but 10,500, a body larger than all the existing University constituencies put together, larger than the constituencies of Leeds or Sheffield; twice as large as those of Ayrshire, Lanarkshire, Aberdeenshire, Perthshire, and Fifeshire; larger than that of Edinburgh, or any other in Scotland, except that of the City of Glasgow.

It may be also urged that Parliament, in its late legislation for the Scottish Universities, has itself given a strong claim for representation, by confirming and extending a privilege upon which long usage had stamped a political character. In 1858 Parliament found the privilege of electing their rector—an officer invested with considerable dignity and important powers—in the possession of the students of some of the Universities. It was in Glasgow that this rectorial election first assumed a political significance. In former times, the students used to be content to find their rector amongst the civic or provincial notabilities of the west of Scotland. Somewhere about thirty-five years ago, however, they became more ambitious, and conceived the bold idea of choosing him from the front ranks of English statesmen. The English statesmen, I may observe, were quite as ready to accept the honour, as the Scotch students were to confer it. Sir James Mackintosh was elected, and Mr. Brougham, and afterwards Lord Stanley and Sir Robert Peel. Sir Robert Peel's election followed close on his brief tenure of office in 1835; and he seized the occasion of his visit to Glasgow to deliver a speech which was the celebrated political manifesto, with which he opened those brilliant campaigns of opposition, resulting in his reconquest of power in 1841. From that day to this, I remember no rectorial election which was not also in great measure a political contest. Men of letters, no doubt, were sometimes elected, but they were always men of letters who were, likewise, politicians. In 1858, when Parliament was about to reform the Scotch Universities, the question naturally arose, are these political rectors and their elections good things or bad? Is it desirable to extend to them the Universities where they have not hitherto obtained, or to abolish them in those where they have long existed? The opinion of the Scotch Members was a good deal divided on the subject. Some of us thought the privilege a bad one, tending to the disturbance of study, and the formation of premature habits of political partisanship, without any countervailing advantage. Others thought it a useful and valuable privilege, stimulating thought on important subjects, and affording a healthful and intellectual recreation for the youth of a free country. Parliament adopted the view favourable to the privilege and the practice; and finding it in existence at Glasgow and Aberdeen, created it also at St. Andrew's and Edinburgh. Our students all over Scotland now cultivate their political ideas, and indulge their political predilections with the direct sanction of Parliament and the Crown. They invite, with something of the force of a Royal invitation, their rectors from the front ranks of both Houses, and even from the great offices of administration. Only last year the Chancellor of the Exchequer, at a moment of unusual public anxiety, left the new tariff and the new treaty, the wine duties and the paper duties, to put on at Edinburgh the purple robe of a new office, and to address a vast audience—of which 800 students formed a mere fraction—on the benefits of intellectual culture, and the delights of divine philosophy. These rectorial elections, with all the political significance which long usage have stamped upon them, have been deliberately accepted by Parliament as worthy not only of maintenance, but of wider extension. Does not this acceptance almost imply a pledge of doing something more in the same direction? Is it just or reasonable for Parliament to say to the youth of Scotland, "So long as you are students, you shall enjoy a privilege which cannot fail to make you politicians, but remember, when you become graduates, you must take leave of political privilege and political action? As lads, you make excellent electors, but as men, we really cannot entrust you with the franchise. That is a privilege which must be reserved for those who have studied at Cambridge or Oxford, or Dublin, or for those superior beings, the Glasgow whiskey dealers, the Marylebone publicans, the freemen of London or Liverpool, or the forty shilling freeholders of South Lancashire."

Besides conferring what I must consider a semi-political right on the students of our Universities, the Act of 1858 made provision for various reforms and improvements in these institutions which will cost a considerable sum of public money, and have already created a large constituency of intelligent persons taking a warm interest in their affairs and invested with powers of directing them. By its own act and deed Parliament has repeatedly acknowledged the national character and public importance of these institutions. The Reform Act of 1832 gave a second Member to the University of Dublin. At a time, therefore, when intelligence had hardly begun to be considered as a possible basis of electoral right, Parliament acknowledged the value of University representation. You are now giving away four seats. Will you not seize the opportunity of enfranchising a new constituency, in which education and intelligence will be the qualification? In the Scotch University constituency I believe there would be a greater number of persons well worthy of the franchise, but not at present possessed of it or likely to obtain it, than in any other that could be suggested. The fancy-franchises of our late abortive Reform Bills gave rise to much diversity of opinion, but I believe we all agreed in desiring to attain the end to which these franchises were directed—the end of making character and intelligence a path to political power. The creation of these new franchises would have been an experiment, perhaps a failure; the creation of a new University constituency would be no experiment at all, but is a course suggested and sanctioned by a long and happy experience.

I cannot use, and I do not regret that I cannot use, an argument of a private and personal kind, which might have been urged by the right hon. Baronet the Member for Carlisle, had he seen fit to bring before the House on this occasion the claim of the University of London to representation in Parliament. I cannot state with any confidence the name, or even the probable political creed of the first Scotch University Member, supposing the Legislature and the Crown were to agree to create one. I cannot appeal to the Treasury bench with the assurance that the new seat would give it a new supporter; nor can I hold out to my Opposition Friends the hope that the new Member will swell our own ranks. I can only assert my confident belief that the Scotch Universities will send us a man well worthy of the honour of holding the seventh University seat in this House. If late rectorial elections are to be taken as any test of his probable opinion, it is not unlikely that he will support Her Majesty's Government. But, on whichever side of the House he may sit, I am sure that he will share the better tendencies of both our political parties. If either party were seized with a paroxyism of faction and folly, I am confident he would go into the lobby with that which retained its sober senses. And the ground of my confidence is, that he would represent a constituency both more enlightened than others and less subject than others to sudden and spasmodic changes of feeling and opinion. He would represent a constituency wholly inaccessible to those external influences to which, in their baser modes of action, Sudbury and St. Albans succumbed, and to which, in their higher forms, broad counties and famous cities have occasionally yielded. Scattered over town and country, the electors of the new University constituency would, each in his own sphere, be in some measure the creators of that public opinion, of which, in their corporate capacity, they would form one of the highest and purest organs. The question which I have the honour to submit to the consideration of this House is, will you give the seat now under discussion to the already largely represented County of Lancaster, or to the ancient and national Universities of Scotland, which are still wholly unrepresented in Parliament? He would, therefore, conclude by moving the omission of Clause 1, with a view to the insertion of the following clause:—

"From and after the 1st day of November, 1861, the Universities of Scotland—that is to say, the University of St. Andrew's, the University of Glasgow, the University of Aberdeen and the University of Edinburgh—shall be entitled collectively to return one Member to serve in Parliament."

Mr. BUCHANAN seconded the Motion.

Sir GEORGE LEWIS: Sir, the Motion which the hon. Member makes is that the clause giving one additional Member to South Lancashire should be omitted in order to substitute for it clauses enfranchising the Universities of Scotland. The Motion, in fact, calls upon the House to rescind a decision which they came to in Committee after full discussion, and by a considerable majority. The main argument brought forward in support of this Motion is that the Universities of Scotland are not represented, whereas the Universities of England and of Ireland have representatives. It is manifest that there has been up to a recent date a sufficient reason for that distinction. The constitution of the Scotch Universities was wholly different from that of the Universities of England and Ireland. In the English and Irish Universities the voters were a body of graduates, whereas in the Scotch Universities the practice of graduation was carried to so slight an extent that such a body had scarcely any existence. If, therefore, up to a recent date, a representative had been given to the Scotch Universities, the power of electing him would, in fact, have been vested in a small body of professors and an extremely limited number of graduates, and there would not have been in existence a body, similar to that which exists in the Universities of Oxford and Cambridge, and in Trinity College, Dublin, capable of exercising the franchise. Up to a recent date, therefore, I am not aware that there ever was any serious question of enfranchising the Scotch Universities. At the time of the Reform Bill, when all these subjects were considered, no Member was given to the Scotch Universities. A few years ago the constitution of the Scotch Universities was altered, and there is no doubt that now a system is at work by which the graduation is increasing, and the Universities are gradually acquiring a body of persons competent to exercise the franchise; but it can hardly be said, I think, that the time has arrived when it would be desirable to give them that right. Undoubtedly, the Scotch Universities are a highly respectable and intelligent body of persons. They will speedily have a claim to enfranchisement similar to that which has been acknowledged in the case of the English and Irish Universities, and I do not doubt that at some future period their claim will be fairly considered by this House; but it appears to me that, after what has taken place in Committee on this Bill, and in the absence of any sufficiently strong arguments, we should not be justified in giving to the Scotch Universities a representative at present in preference to the southern division of Lancashire, especially since the forfeited seats are exclusively English seats, and, therefore, I trust the House will not agree to the Motion of the hon. Member for Perthshire if he carries it to a division.

Major CUMMING BRUCE said, he was astonished at the argument of the right hon. Baronet—that because a few years ago the Scotch Universities did not furnish a constituency capable of exercising the franchise, therefore, now, when they possessed a body of electors numbering 3,900, the right to return a Member should not be conferred on them. The only reasonable argument which he had heard against the claim so ably and temperately recommended to the House by the hon. Member for Perthshire was that as the forfeited seats were English seats they should in fairness be given to English constituencies. However conclusive that argument might have been deemed at the time of the Union, it could not be urged with any force now, because the Reform Bill of 1832 proceeded upon the principle of departing altogether from the system of representation established by the Act of the Union, and of setting aside the territorial distinctions as between the three divisions of the United Kingdom. That Bill conferred increased representation on Scotland and Ireland, because it was held to be right, whenever occasion arose for remodelling the representative system, to bestow the franchise upon those constituencies which, from their number and intelligence, were best deserving of that high privilege. As these seats had been vacated on account of corruption, it would, in his opinion, be reasonable to confer the privilege lost by them upon a part of the country where no corruption prevailed; and against no constituency of Scotland had such an accusation ever been made. It was said that the West Riding was entitled to an extra Member, upon the ground of wealth and population; but the claim now before the House was not put upon these grounds. The West Riding boasted of the great men—such as Wilberforce and Brougham —who had represented it; but such representatives were due in a great extent to the constituency being the largest in the kingdom; and the importance of the West Riding would, no doubt, be much impaired if the proposition of the Government were acceded to. He did not support the Amendment on the ground of either property or population, but because he was anxious to complete the union of England and Scotland. In England the interests of education and learning were represented by four, and in Ireland by two Members. Scotland possessed no such representation, and its absence was felt to be a badge of inferiority. She asked to be admitted to an equality in that as in other matters. It was true that until within the last few years the want of a constituency furnished a good reason why the Scotch Universities should not be represented. By the Universities Act, for which Scotland was indebted to his learned Friend the Lord Justice Clerk Inglis, supported by the present Lord Advocate, that want had been supplied. There was now in existence a large constituency which was steadily increasing, and the increase of which would, no doubt, be greatly stimulated if the franchise was conferred upon it. It was such a constituency as would, he doubted not, return a Member who would be worthy to take his place beside the representatives of the English and Irish Universities who already sat in that House. He did not mean to say that he would possess the splendid and fervid eloquence of his right hon. Friend the Member for the University of Dublin—Scotchmen were not generally gifted with the eloquence which every Irishman appeared to drink in with his mother's milk—nor be gifted with the marvellous ingenuity "to make the worse appear the better cause," for which his right hon. Friend the Chancellor of the Exchequer was so much distinguished; but he would be a sound man, not of extreme opinions, enlightened, educated, Liberal, and Conservative; probably a worthy follower of Adam Smith, whose comprehensive knowledge of detail and depth of philosophical research were so highly commended by Mr. Pitt as furnishing the best solution of all questions connected with the history of commerce or the system of political economy, and an attention to whose teachings upon financial matters, instead of too easy a yielding to the fair promises of the Chancellor of the Exchequer, would prove of great advantage to the country. He hoped that the House would not let slip that opportunity of doing an act of justice to Scotland and conferring a boon upon that House and the country at large.

SIR JAMES GRAHAM: Sir, I shall not follow my hon. Friend who has just sat down into a disquisition upon the rival claims of Irish eloquence, Scotch prudence, and English common sense. I am very glad to be relieved from the necessity of pitting the claims of an English University against those of the Universities of Scotland advanced by my hon. Friend the Member for Perthshire; but, having given notice of my intention to bring under the notice of the House the claims of the London University in the event of a Member being refused to Kensington and Chelsea, I shall very shortly state to the House the reasons which have determined me not on the present occasion to press that claim. I am happy to be relieved from even appearing to deny the claims of the Scottish Universities. I should be sorry to urge any national ground against that claim, and, personally, I am under too much obligation to the University of Glasgow for an honour once conferred upon me not to be the very last man who should contend that the Universities of Scotland are not on a proper occasion entitled to be represented in the Parliament of the United Kingdom. When I undertook to prefer the claim of the London University, I stated distinctly that I could not urge that claim in preference to that of the metropolitan constituency of Kensington and Chelsea. The House has decided against that claim, although it was founded upon numbers, respectability, and wealth; and certainly I should have hoped that, failing that metropolitan borough, a claim might have been recognized on the part of the metropolitan county. The House has, however, decided against any addition to metropolitan representation; and in the present balanced state of opinion in this House I thought that, upon the whole, it was my duty to consult what appeared to be the feeling of the majority on both sides of the House in favour of conferring two additional Members upon the West Riding of Yorkshire. Having consulted the Senate of the University of London and the chairman of Convocation, I have resolved, in conformity with their wish, on not obtruding the claims of that University upon the present occasion on the consideration of the House. But if past pledges are to be remembered, I need only state that when the Reform Bill of the Government of the Earl of Aberdeen was introduced by my noble Friend the Secretary of State for Foreign Affairs, it was proposed to confer on the London University the elective franchise. So, also, on the last occasion of the introduction of the Reform Bill, under the Government of my noble Friend the noble Viscount, it was proposed in the Bill of 1860 that the elective franchise should be conferred on the London University. If I mistake not, in the year 1852, that claim was brought under the notice of the Earl of Derby, then at the head of the Government, who expressed himself favourably to its consideration; and the right hon. Gentleman the Member for Buckinghamshire, in his place, representing that Government, stated that on a future and fitting occasion he was not indisposed to consider that claim when it should be brought forward. In addition to all this, the Home Secretary of Lord Melbourne's Government, who advised Her Majesty to confer on the London University a charter, did distinctly state on that occasion that it was the intention of the Government in granting that charter that the London University should be placed on a footing of perfect equality with the ancient Universities of the kingdom. I mention these facts, which concur strongly in favour of this claim in the hope that on a fitting opportunity it may not be cast aside. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) has referred, but rather tauntingly, to an expression which I had used on a former occasion when I spoke of "large and comprehensive measures of Reform." Well, Sir, the House on both sides, has had experience of the difficulty of carrying such measures. I hope, therefore, that it will recur to the doctrine of Lord Chatham, and Mr. Pitt, and the early Reformers, who were of opinion that when extensive delinquency was proved against any borough, the proper punishment was a forfeiture of the right of returning Members to this House, that disfranchisement should ensue. My belief is that that would be found, in present circumstances, the surest and most effective punishment of bribery, and the best security against its further inroads on the constituency. Opportunities would not then be wanting of conferring on unrepresented boroughs the valuable right which had thus been abused. If those opportunities should occur, I hope justice will be done both to London University and the Universities of Scotland, and then, I think, there will be a larger infusion into this House of the representation of learning, intelligence, science, and those habitsof strict propriety and conduct which superior education, in my judgment, never fails to enforce. On the whole, without preferring the claim of one University to another, on national grounds, my hope is that before very long the elective franchise may be bestowed on both these learned bodies, but on the present occasion, there being only four seats to be disposed of, and these being English seats—three having been now by general concurrence settled, and only one remaining—on the whole, I think that the decision of the House will be more unanimously in favour of giving the fourth Vote to the West Riding than can be expected with respect to any other proposal; and, on the grounds I have stated, I certainly do not intend to prefer the claim of the University of London, which, I think, were it urged, might be shown to be, on the whole, prior to that of the Scotch Universities. I, therefore, satisfy myself by withdrawing that claim for the present, voting with some reluctance against the proposal of the hon. Member for Perthshire, and giving my support to the Motion for assigning the fourth Member to the West Riding.

MR. BLACKBURN observed, that the right hon. Gentleman had not clearly understood the proposition before the House; for his hon. Friend the Member for Perth did not wish to take a Member from Yorkshire, but to prevent South Lancashire from having three Members. [Sir JAMES GRAHAM: That proposition has been already agreed to.] The very hesitating denial which the right hon. Gentleman the Home Secretary had given to the proposal of his hon. Friend the Member for Perthshire was based on two grounds—first, that the time was not ripe for giving representation to the Scotch Universities, there being no proper constituency; and, secondly, that the House had already decided the question, and it was now too late to urge this claim. Now, as to the ripeness of the constituency, he begged to remind the right hon. Baronet that the clauses proposed by his hon. Friend were taken from the Reform Bill of the Government last year; and if the constituency was then ripe for representation why not now? The Scottish Universities had a constituent body of 3,900, while Oxford had only 3,786, and Dublin about one-half the number. The first ground, then, put forward by the right hon. Baronet certainly did not stand him in good stead. Then as to the second ground of objection, that the seat had been already disposed of, he believed that there was a very strong opinion in the House that there should not be a third Member in any county. Besides, it was but fair to remember that the very first proposal for the transfer of seats was that of his hon. Friend the Member for Perthshire in favour of the Scotch Universities. On the ground of property, population, and on the joint basis, Scotland had a strong claim for an increase in the representation. Proportionately to population Scotland should return 71 Members instead of 53; proportionately to revenue and taxation she ought to return 74; and proportionately to the mean between both she ought to return 73 Members. Scotland might claim the whole four seats to be disposed of; but the Members for Scotland had the modesty to put forward their claim to only one. Lanarkshire had much stronger claim to an additional seat than South Lancashire. He did not know what particular interest South Lancashire represented. Cotton was already sufficiently represented; he appealed with confidence to a sense of British justice on the present occasion, and should certainly support the proposal of his hon. Friend the Member for Perthshire.

Mr. GRANT DUFF: As a very humble but a very steady supporter of Her Majesty's Ministers, I hope I may be allowed to express, in a very few sentences, my deep regret at the course which they have thought fit to take with regard to this Bill. If they had given one Member to the West Riding, one to Birkenhead, one to the London University, and one to the Scotch Universities, they would have conciliated at once the county interest and the borough interest, the metropolitan interest and the educational interest. They have not done so. I do not think they have the least idea how popular a measure it would have been in that part of the kingdom whence come their steadiest supporters, if they had yielded to the proposal of the hon. Member for Perthshire. It must not be forgot that, while the English Universities are chiefly frequented by the upper classes, the Scotch Universities are chiefly frequented by the middle, and, to a certain extent, by the lower classes. This consideration is a sufficient answer to the reproaches which have been directed by some of my Friends, who sit below the gangway, against the conduct of the Scotch Members about Chelsea and Kensington, as if they had been untrue to the well-known policy of the Liberal party, to increase the power of the middle, and of the better section of the lower classes. Far be it from me to disparage the claims of the London University. I am free to confess that a simple degree at the London University guarantees a higher amount of attainment than a simple degree at the Scotch Universities; but then a simple degree at the London University guarantees higher attainment than a simple degree at the older English Universities. The University of London is a noble growth, but it is a growth of yesterday; whereas the Scotch Universities are some of them coeval with the beginning of true civilization in Scotland, and are connected with all that is best in her history. The greatest evil which afflicts Scotland is the want of encouragement for high scholarship and remarkable attainment. The *perfervidum ingenium* of my countrymen, if not guided by the highest intelligence, may still give trouble to English statesmen, and the best way in which you can aid the development of that highest intelligence is by fostering those Universities which do not at present exercise sufficient influence in elevating the standard of acquirement amongst us, or occupy their proper place in the national regard.

Mr. H. BAILLIE said, he would venture to recommend the hon. Member for Perthshire (Mr. Stirling) not to press his Resolution to a division, but to remain satisfied with having stated ably, clearly, and satisfactorily to the House the claims of the Scotch Universities, which he hoped the House might, on some future occasion, be induced to recognize. He must protest, however, against the view of the right hon. Gentleman (Sir George Lewis), that, because these seats were English, they ought to be redistributed amongst English constituencies, as though the Act of Union and the Reform Act of 1832 had not identified Scotland with the rest of the United Kingdom in point of representation.

MAJOR HAMILTON remarked, that he had heard it said that the hon. Member for Perthshire was playing a foolish game in combining with the Irish Members to disturb the Ministry, and that a cabal had been entered into between the representatives of Scotland and Ireland for that purpose. Now, he was not aware of the existence of any such combination or cabal, but, for his own part, he should be one of the first to join in it, and to give the right hand of fellowship to the Irish Members in fighting the battle of the two countries. Numerically speaking, Scotland was not properly represented in that House, and now that the vacant seats were to be filled up an opportunity offered for doing justice to that country. A deputation lately waited on the noble Premier to advocate the claims of the Scotch Universities, and with his usuul affability the noble Lord told them he thought a strong case had been made out, but that the remedy was in their own hands; they had only to corrupt a borough in Scotland, and get the Government to disfranchise it, and then its seat might be given to the Scotch Universities. The hon. Member for East Lothian having rejoined that bribery was impossible in Scotland, the Home Secretary, who stood behind the noble Lord at the time, remembering the words of the hymn of their childhood which referred to the work a certain gentleman found for idle hands to do, observed that there was another way in which the Scotch Universities might obtain representation—that Sutherlandshire, for example, and some of the other least populous Highland counties should be conjoined. Now, he could only say, on the part of the Lowlands, that if any attempt of the kind thus indicated were made by the right hon. Gentleman, the card which the Scottish gentlemen would play would not be the nine of diamonds, but a card of a darker suit and fewer spots, and in the words of the Scotch proverb, he would advise the right hon. Gentleman before going to Sutherlandshire to touch the wild cats, to put on a pair of very thick gloves.

LORD JOHN RUSSELL said, he hoped that the hon. Gentleman who had brought forward the Motion would adopt the suggestion of the hon. Member for Inverness-shire (Mr. H. Baillie). The hon. Gentleman had made a very able speech, stating very temperately all the reasons in favour of giving a seat to the Scotch Universities. For his own part, he should be very glad to see those Universities returning a Member, and he could not agree in the proposition that in no circumstances should Scotland have an additional seat, if that additional seat was to be derived from England. Still, when they remembered that no less than eight additional Members were given to Scotland by the measure of 1832, they could not come to the conclusion that the claims of Scotland had been overlooked. That not being an occasion on which the hon. Member for Perthshire could gain anything by dividing the House, it was to be hoped that he would now be content with having stated his case. At a future period that case might be fairly considered.

COLONEL SYKES said, that he merely wished to protest against the attempt being made to throw the Scotch Universities overboard. Everything appeared to be cut and dried, and any appeal by a Scotch Member to the sense and reason of English Members in this matter would be wholly unavailing.

MR. STIRLING said, he was quite satisfied with the discussion to which his Motion had given rise. He desired, therefore, with the permission of the House, to withdraw these clauses. He begged to thank the right hon. Member for Carlisle and the noble Lord the Foreign Secretary for the admission they had both made that the claims which he had ventured to advance were not unfounded.

Motion, by leave, *withdrawn.*

MR. COLLINS said, that when the Bill was in Committee he gave notice of a series of Amendments to carry out the object to which the Government had acceded that night. Since then the Home Secretary had laid on the table a series of clauses to the same effect; but on Saturday last the Government proposals were altered in one material particular, inasmuch as the place for holding the election was changed from the central town in the Southern Division of the Riding to Pontefract. It would be more convenient that he should waive his own clauses, and allow those of the Government to be proceeded with, and when they came to the word "Pontefract" he could move that it be struck out.

SIR GEORGE LEWIS then moved to insert the following Clause before Clause 1:—

"After the dissolution of this present Parliament the West Riding of the County of York shall be divided into two divisions, to be called respectively the Northern and Southern Divisions; the Northern Division shall contain the Wapentakes of Staincliffe and Ewecross, Claro, Skyrack, and Morley; the Southern Division shall contain the Wapentakes of Barkston Ash, Osgoldcross, Strafforth and Tickhill, Staincross, and Agbrigg."

MR. BAINES said, he objected altogether to these seats, which were taken from boroughs, being given to counties. He would remind the House that although undoubtedly both Sudbury and St. Albans were small places, they were frequently represented by men who represented large mercantile interests, and not principally by gentlemen connected with the landed interests. As the representative of one of the largest boroughs in the West Riding, he wished to make one remark with respect to the intended division of that important constituency. It appeared to him that there were serious objections to be made to the division of the West Riding, and although he should not object to four Members being given to the West Riding, he must confess that in his opinion Middlesex had a better claim; because in the metropolitan county there were eight Members to 2,800,000 of the population, whereas in the West Riding, important as it was, there was the same number of Members to a population of 1,500,000. But the separation of the present united districts of the West Riding was most objectionable, there being at present one compact feeling throughout the constituency. There was no difficulty in taking the votes at an election for the West Riding in one day, and certainly there would be no saving of expense to candidates by the proposed division. However, he should not divide the House on the subject; though he must confess that he was glad that the importance of Leeds, as a place for holding the election, was recognized.

Clause *agreed to.*

SIR GEORGE LEWIS said, he would then propose the following clause:—

"In all future Parliaments there shall be two Knights of the Shire to serve for each of the said Northern and Southern Divisions, and such Knights shall be chosen in the same manner, and by the same classes or descriptions of voters, and in respect of the same rights of voting, as if each such Division were a separate county, and all enactments now in force applicable to divisions of counties returning Knights of the Shire to serve in Parliament, shall apply to the Divisions hereby constituted."

Clause *agreed to.*

SIR GEORGE LEWIS said, he would then move a third Clause to the effect that—

"The court for the election for the Northern Division should be held at Leeds, and the court for the election of the said Southern Division should be held at Pontefract; but the justices of the peace should name the polling places for each of the said Northern and Southern Divisions, and divide such Divisions into convenient districts for polling."

Clause *brought up*, and read 1°; 2°;

MR. HARDY said, he wished to call attention to some defects in the framing of the clause. The selection of new polling-places was left to the justices at Quarter Sessions, but it was utterly impossible that the appointments could be made in the brief interval which elapsed between the dissolution and the nomination. It would, therefore, be better to give the justices a power to act provisionally. If new polling-places could not be fixed upon in the time it would be necessary to fall back on the old ones, and, the districts apportioned to these being partly in one division and partly in another, much inconvenience would necessarily arise. That was not as trifling an affair as it might at first sight appear, for it affected about 2,000 voters, most of whom, under such a system of polling, would be practically disfranchised. He was also informed that there were only twelve working days for the Sheriff of Yorkshire to make all his arrangements, which would clearly be impossible, unless power were given him to appoint a sufficient number of returning officers. Having only obtained some of his information that day, he was not in a position to move that the clause be amended; but he would gladly place all the facts in the hands of the right hon. Gentleman, and as these clauses were of a purely technical character they could easily be postponed, and brought up in an amended form.

SIR GEORGE LEWIS said, he saw great difficulties in the way of enabling justices to make any provisional arrangement, because in the event of a vacancy occurring before the dissolution of Parliament took place, it was necessary that the present register should be kept in activity. It was extremely difficult to legislate on the particular case, for none of the previous Reform Acts contained anything which could be regarded as a precedent. The information with regard to the position of the sheriff had already been conveyed to him, but the reason he did not propose any special clause on that point was because he thought it better that any number of under-sheriffs should be employed than that an alteration of the law should be made to meet a particular instance. He had no objection to withdraw the three clauses following that before the House, with which he proposed to proceed, and he would consider whether the objections referred to by the hon. Gentleman might not be obviated.

Mr. COLLINS remarked, that in the Reform Bill of 1854 the Government overcame the difficulty which the right hon. Gentleman appeared to contemplate by a clause providing that, in the event of an election prior to the dissolution, the register of the two divisions should be considered the register of one undivided county.

Mr. HADFIELD said, he would move the omission from the clause of the word "Pontefract," and the substitution of "Sheffield," which he contended was a more convenient place for the nomination and declaration of the poll in the southern division of the West Riding.

Amendment proposed, in line 3, to leave out the word "Pontefract," and insert the word "Sheffield," instead thereof.

Sir GEORGE LEWIS said, he did not think the question raised by the hon. Member one of paramount importance. The polling would not be affected by the selection of Pontefract as the place of nomination and declaration for the southern division of the West Riding. Wakefield had been first proposed, because it was at present a polling-place for the undivided West Riding; but the Government were afterwards informed that Wakefield was not so conveniently situated as Pontefract. The latter would seem to be very central for the southern division.

Mr. COLLINS said, he hoped that the first part of the hon. Member's Amendment would be adopted, and Pontefract struck out. Wakefield was at present the place for the central business of the Southern division, and Pontefract would not be as convenient for the electors. Seven of the polling-places were nearest Pontefract, but twelve were nearest to Wakefield. No less than 13,325 of the electors were nearest to Wakefield, while only 4,504, or about one-third that number, were nearest to Pontefract. It might be said that Wakefield had been convicted of bribery, but Mr. Oliveira and his wife were found to have committed bribery and corruption at Pontefract.

Mr. MONCKTON MILNES said, he thought that the gentlemen of the southern division ought to be left to settle this question. All the residents of that division claimed was that they might select the place which they thought best for themselves. The question before them was between Pontefract and Sheffield. The general impression was that in times of great political excitement it would be impolitic to have the election in a large and populous borough like that of Sheffield. The question then was whether they would select the agricultural tranquil town of Pontefract, or the somewhat tumultuous town of Sheffield, and he hoped the House would decide that Pontefract was the more preferable of the two.

Colonel SMYTH said, that in 1854, when the noble Lord the Foreign Secretary brought in his Reform Bill, Pontefract was inserted in the Bill as a place of election. A deputation waited on the noble Lord, of which he (Colonel Smyth) formed one, when the noble Lord stated that Pontefract had been inserted in the Bill by mistake. He, therefore, should claim the vote of the noble Lord against Pontefract on this occasion. Wakefield was in many respects a more convenient place for the election than Pontefract.

Sir CHARLES WOOD said, he thought there must be some mistake in what had fallen from the gallant Colonel. He had not understood that Pontefract was inserted in the Bill of 1854 by mistake. He was satisfied that Pontefract was more suitable for a place of election than either Wakefield or Sheffield. Wakefield was certainly the most central for the whole Riding, but there was a large portion of the agricultural population who had no opportunity of travelling by railway, to whom Pontefract would be the most convenient place.

Viscount GALWAY said, he thought that Pontefract, on the whole, was the most convenient place of election, but Doncaster had also a good claim to the honour.

Question put, "That the word 'Pontefract' stand part of the Clause."

The House *divided*:—Ayes 97; Noes 67: Majority 30.

Clause *added*.

Mr. ABEL SMITH said, he had given notice of a Motion to take away the third seat from Lancashire, and to form a borough consisting of St. Albans, Watford, Hemel Hempstead, Great Berkhamstead, and Tring. In his opinion the county of Hertford had not been fairly treated. It used to return six Members—two for the county, two for Hertford, and two for St. Albans. The borough of St. Albans had been a great political sinner for many years, and had been very properly disfranchised. But it had been now disfranchised for seventeen or eighteen years, and hon. Members who were so anxious to condone the delinquencies of Wakefield, might now well agree that St. Albans should have its privileges in part restored. Looking to the importance and population of Hertfordshire, he thought six Members a fair quota. As he had given very short notice of his Motion, he would not press it on the present occasion, but he trusted that in any future Reform Bill the claims of the new Parliamentary borough he had proposed, which would have a present constituency of 1,500 electors, would be duly considered.

Clause 1 (Additional Member for West Riding of Yorkshire and Southern Division of Lancashire),

Sir GEORGE LEWIS said, he would propose in page 2, line 3, to leave out the words from "the" to "Yorkshire and," in line 4 inclusive, and insert "passing of this Act." The effect of the Amendment would be, that the election would take place immediately after the passing of the Act, instead of in the month of November, as originally proposed.

Mr. COLLINS said, that on a former evening he had made precisely the same proposal. The right hon. Gentleman, the Home Secretary, had then opposed it, because of the harvest. Would the right hon. Gentleman now state what steps the Government had taken for the acceleration of the harvest?

Sir GEORGE LEWIS said, that the Amendment had been thought upon the whole to be most convenient. The Bill had made such progress that he trusted the probability against which he wished to guard would not occur, and that the elections might be held under the Bill before the harvest.

Amendment *agreed to.*

Other Amendments made.

Bill *re-committed* for *Thursday*, in reference to certain new Clauses relating to the Elections for the West Riding of the County of York, and to be *printed.* [Bill 212.]

Mr. Abel Smith

HARWICH HARBOUR.—RESOLUTION.

Order for Committee (Supply) read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Captain JERVIS said, he rose to move the Resolution of which he had given notice with reference to harbours of refuge. In 1844 a Commission was appointed on the subject of harbours of refuge, and amongst others it was found that the harbour of Harwich, from want of proper care, was nearly silted up. It was, therefore, recommended that a sum of money should be granted for the purpose of improving the harbour. It was proposed that a groyne should be erected on the east side of the town, 700 yards in length, to secure a proper force of water. Subsequently it was resolved that the groyne should be only 500 yards in length, and that another should be erected to the eastward of Landguard Point. But the second groyne was never carried out, and the consequence was that the harbour, as a harbour of refuge for large vessels, was likely to be entirely lost. On the 25th of October, 1858, the Trinity House addressed a letter to the Admiralty calling attention to that important subject, and expressing the strongest apprehensions of the utter loss of the harbour for large craft if proper measures were not immediately applied to remedy the evils complained of. That statement of the elder brethren of Trinity House caused the greatest anxiety to the mercantile community connected with the coasting trade in that direction; for the accumulation of sand on the east side of the harbour would not only prove dangerous, but large vessels attempting it in that direction would most probably be lost. The Board of Admiralty replied to the letter by asking the brethren of Trinity House to mark upon the chart the position of the sands to which they referred. That having been done, the Admiralty then stated that they had no funds available for the object in view. This proceeding on the part of the Admiralty was the more extraordinary that various reports had been made to them on the subject from the engineers to the Board. On the 1st July, 1852, Mr. Walker, one of the most eminent of naval engineers, called the attention of the Admiralty to it, and estimated that the cost of the groyne recommended would be only £10,000. These Reports were repeatedly pressed until the 1st of April, 1856, but without effect. He (Captain Jervis) then wrote to the Board of Trade on the subject. The reply he received was that the matter was not within their department, but that it belonged to the Board of Admiralty. He then wrote to the Admiralty. The answer he received was that it was no business of the Admiralty—it belonged rather to the Treasury. He then applied to the Treasury, and he was told that it was a matter for the Board of Trade and not for the Treasury. Under those circumstances he saw no alternative but to bring the matter before the Government generally. He might be told that it was not a question for the Government but that the town should look after its own harbour, but the jurisdiction of that harbour was with the Borough of Ipswich, and from time immemorial Harwich had been looked upon as a harbour of refuge by all vessels that traded along that part of the coast. He had seen as many as 500 vessels run into it of a day. From the prevalence of easterly winds the sands on the south-east coast renders the navigation of vessels in that direction most dangerous. To keep the mouth of Harwich harbour open, and to remove those obstacles, were, therefore, measures of the deepest interest to the mercantile community on the east coast of England. The hydrographer of the navy had given it as his opinion that the matter ought not to be postponed for a single day, as the danger was augmenting more and more every day. Captain Washington also had made a report upon the subject, calling attention to the dangerous extension of the Landguard Point. He (Captain Jervis), therefore, trusted when the Government were asking for a Vote of £160,000 for the works at Alderney, Portland, and Dover, that they would see the importance of providing for the security of Harwich harbour, the works of which only involved a sum of £15,000, as estimated by the engineer of the Board of Admiralty.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

> "In the opinion of this House, it is the duty of Her Majesty's Government, before applying to this House for grants of money to construct Harbours of Refuge, to take steps that the natural Harbours of Refuge of this Country be maintained,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MILNER GIBSON said, that he was sorry the hon. and gallant Gentleman should have been inconvenienced by the reference made from one department to the other; but as his application was for a grant of public money, the Board of Trade thought, therefore, that it was a more appropriate subject for the consideration of the Treasury than for the department with which he (Mr. Milner Gibson) was connected. The Board of Trade were quite alive to the importance of the question, and it would be admitted by every one that the filling up of so valuable a harbour of refuge would be a great national misfortune. He had heard it stated, however, that the predictions which had been made were not likely to be fulfilled to the extent that it was supposed, and that the access to the harbour was not likely to be put an end to altogether; but, no doubt, it was possible that the access might be rendered far more difficult than it was at present. The subject should receive the most serious consideration of Her Majesty's Government. He quite admitted that it was a matter of importance, and that the hon. and gallant Gentleman had done good service in bringing it under the notice of the House. He should not anticipate what his hon. Friend the Secretary to the Treasury was likely to say on the financial part of the question, but they knew that estimates for engineering operations of this character were not generally to be relied on, but that difficulties arose in the progress of operations connected with harbours involving a great outlay beyond the original estimate. He could assure the hon. and gallant Gentleman that full inquiry would take place, and that means would be found to deal with the difficulties of the case.

CAPTAIN JERVIS said, he was so far satisfied with the reply of the right hon. Gentleman that he would withdraw his Motion.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee.

Mr. MASSEY in the Chair.

(In the Committee.)

(1.) £38,214, Royal Palaces.

MR. CHILDERS said, he wished to call attention to the manner in which the Estimates were framed, as he thought great facilities were afforded to the Government for spending more money than was voted, from the system of balances that were allowed to lie over. He hoped to hear from the Secretary of the Treasury that the Government had resolved to adopt entirely the recommendations of the Committee of Public Monies in respect to the Estimates, and that measures would speedily be taken to carry those recommendations out.

MR. W. WILLIAMS said, that these Estimates in the last year of the unreformed Parliament, when the Duke of Wellington was Prime Minister, were £2,000,000. They were now £7,665,000, and that was £123,000 more than was required last year. He would make no comment on the expenditure on the palaces occupied by Her Majesty, as it did not appear to be extravagant. But explanation should be given of some items. There was an item of £6,377 for repairs, &c., of St. James's Palace. He was not aware that St. James's Palace was occupied by any of the Royal household, and the State apartments were only used half-a dozen times a year. There was another item of £4,775 for Kensington Palace. He wanted to know who occupied that palace, as it was not occupied by any of the Royal Family. There was another item of £6,054 for Hampton Court Palace. It was all very well for members of the aristocracy to have a palace like that to dwell in, with splendid gardens around it, but the public ought not to be taxed for everything required in it.

MR. PEEL said, he would remind the Committee that it was useless to make a comparison between the Estimates of the present time and those before 1854, because since the latter period there had been transferred to the Miscellaneous Estimates many charges, which were previously defrayed out of the Consolidated Fund, and out of the gross revenue before it was paid into the Exchequer. It should also be borne in mind that the census Vote amounted to £127,000, which sum alone was greater than the increase mentioned by the hon. Member.

MR. COWPER observed that it was true that St. James's Palace was not in the personal occupation of Her Majesty, but the apartments for which the Estimate was proposed were the State apartments used on the occasion of drawing rooms and levees. Some of the subordinate officers of the departments of the Lord Chamberlain and Lord Steward were lodged in St. James's Palace. As to Kensington Palace, many parts were in a considerable degree of dilapidation. It required repairs every year, and before long some portion must be pulled down as not being worth repair; but in the present year the sum taken was necessary to keep the walls and roofs in good order. That palace was only partly occupied, and the occupation, such as it was, did not much increase the amount of money that would be required even without any occupation. Hampton Palace was a monument of architectural beauty, and he was sure the House would not grudge money to keep it in repair. The hon. Member spoke of the aristocracy being lodged there, but the apartments were given to persons of very slender means, to the widows of distinguished officers in the army and navy, and to those whose connection with eminent individuals and with men who had rendered public service, entitled them to this favour from the Queen.

MR. W. WILLIAMS said, he had not been able to discover that there were more than three widows of officers among the occupants of Hampton Palace, and he had not the least objection to granting the use of the Palace to persons of that description. He understood His Royal Highness the Commander-in-Chief had apartments in St. James's Palace. He did not object to that; but he thought His Royal Highness ought to maintain those apartments himself, and not let the charge fall on the public.

MR. COWPER said, that the Duke of Cambridge had no longer occupation of those apartments, which he left on proceeding to Gloucester House, and the apartments in question were for the most part vacant.

Vote *agreed to.*

(2.) Motion made, and Question proposed,

> "That a sum, not exceeding £85,470, be granted to Her Majesty, to defray the Expense of Maintenance and Repair of Public Buildings; for providing the necessary supply of Water for the same; for Rents of Houses for the temporary accommodation of Public Departments, and Charges attendant thereon, to the 31st day of March, 1862."

MR. W. WILLIAMS observed that £4,200 were required for supplying water for the Houses of Parliament and other public buildings and offices. He thought that the Houses of Parliament and most public offices were supplied with water from the fountains in Trafalgar Square. There was also an enormous sum asked for on account of furniture, independent of the item of £26,318 for the maintenance and repair of public offices and the charges attendant thereon. He wished to know why the whole cost was not included in one item, so that the extent of the expenditure might be understood at a glance? The rent paid for offices reached a high amount; £900 a year were paid for a house in St. James's Square for the Tithe and Copyhold Commission. He thought it high time that that Commission should be brought to an end. The Ecclesiastical Commission occupied apartments in Whitehall Place, for which £680 were given, besides taxes. That Commission had an enormous amount of money in hand, and these charges ought to be taken from the backs of the public, those who derived advantage from the Commission being made to defray them. He should take the sense of the Committee on the reduction of the Vote by the sum of £680, the rent paid for the house occupied by the Ecclesiastical Commissioners.

Motion made, and Question,

"That the item of £680, for Rent of 11, Whitehall Place, as the Office of the Ecclesiastical Commissioners, be omitted from the proposed Vote."

MR. AUGUSTUS SMITH complained of the manner in which the expenses of the public offices were jumbled up together. It would be much more convenient if the Estimates were so arranged that it could be seen at a glance what were the expenses of the public buildings.

MR. PEASE said, he thought that while the Ecclesiastical Commissioners had a large surplus income to dispose of they ought not to come on the public for the expenses of their offices.

MR. PEEL said, these payments were made to the Commissioners, not as the Ecclesiastical Commissioners, but as the Church Building Commissioners, the duties of which Commission had been transferred to them by Act of Parliament some years ago. The Ecclesiastical Commissioners stated that one-fourth of their time was occupied on business that did not properly belong to them, and it was under that calculation that the sum was put down in the Estimates.

MR. CHILDERS said, he hoped the hon. Member for Lambeth would not press his Amendment then, as it would preclude Amendments in preceding items.

MR. W. WILLIAMS said, that looking to the state of the Committee—there were only twenty-two Members in the House—he would withdraw his Amendment, in hopes that in a short time there would be more hon. Members present to divide on it.

Amendment, by leave, *withdrawn.*

Original Question again proposed.

MR. CHILDERS said, he also must complain of the inconvenient manner in which the Estimates for the expenses of the public offices were arranged. He also wished to know why it was that a distinction was made between the Admiralty and the War Departments in respect of money required for buildings? Already £10,000 had been voted for the War Department for purposes precisely similar to those for which they were now called to provide in respect of the Admiralty. Votes for the public buildings ought to be placed altogether. He wished also to know why a large rent was paid for houses in Gate Street, Lincoln's Inn Fields, which were not now occupied by the Government? He should be glad to hear also why so much as £700 a year was paid for the Stationery Office?

MR. LAYARD said, that there was a hideous piece of upholstery under cover opposite Marlborough House at the disposal of anybody who would take it; but, as nobody would take it, they were now asked to vote £340 for its removal to St. Paul's, where it would be placed beneath one of the crypts. He alluded to the car used at the funeral of the late Duke of Wellington, and than which nothing more hideous had ever been invented. The best thing would be to give it to Madame Tussaud, or, if she would not take it, to burn it.

MR. DISRAELI asked whether the Amendment of the hon. Member for Lambeth had been withdrawn?

THE CHAIRMAN replied that it had.

MR. DISRAELI said, the withdrawal of the Amendment had not been heard on that side of the House. Some explanation ought to be given to the Committee of the reason for its withdrawal. The hon. Member for Lambeth, who was a great advocate for economy, moved to omit an item to which he appeared to have a great objection, but the moment it appeared from the state of the Committee that there was a chance of his Amendment being carried he immediately withdrew it. If that item was outrageous in the opinion of the hon. Member, he could not understand why he should have retreated from his Amendment in so nervous and precipitate a manner when it seemed likely that he would effect a reduction.

Well-considered Amendments ought really not to be withdrawn in this hasty manner. The hon. Gentleman and his friends obtained great public credit and esteem for always being in their places on these occasions when the House was there; but it also ought to be known, as a concomitant to this state of affairs, that when they had a majority of their friends present, they invariably retired from any chance of carrying their opinions into effect.

THE CHAIRMAN said, that the Amendment had been withdrawn at the instance of the hon. Member for Pontefract, because if it had been pressed to a division, it would not have been competent to move any Amendments on the previous items of the Vote.

MR. COWPER said, the reason why no sum for the repair of the Admiralty Offices was included in the Estimates was that that department itself possessed the machinery for doing all the work which it required. With respect to the houses in Newport and Gate Streets, he had to state that, not being wanted for Government purposes, they were under-let to tenants who paid a rent, the account of which appeared under another head; so that in reality the rent of those houses constituted no charge on the public purse. As to the Wellington car he could only say that, notwithstanding the manner in which the taste exhibited in its construction had been criticised, it was naturally an object of great interest to numbers of Englishmen, and crowds of visitors flocked to see it while at Marlborough House, and that he considered it was not inappropriately placed in proximity to the tomb of the great man whose remains lay buried beneath St. Paul's Cathedral. He might add, in reference to the remarks which had fallen from the hon. Member for Lambeth with regard to the supply of water to the public offices, that that supply was drawn from a deep well behind the National Gallery, and that three engines were constantly employed in pumping up the water from a considerable depth. This year some fresh hose, pipes and stopcocks were required, which rendered the item under that head larger than it had been in previous years.

MR. BLACKBURN said, he thought the want of respect for the memory of the Duke of Wellington in reality lay in connecting it in any way with the absurd car, for the removal of which a Vote was now

asked. In the hope of getting rid of it altogether he should move the omission of the item of £340.

VISCOUNT PALMERSTON said, he hoped the Committee would not condemn the car. For the taste of its construction the Government were not answerable; but the noble Lord opposite could, no doubt, give a satisfactory explanation on that point. [*An intimation of dissent from* Lord JOHN MANNERS.] Whether, however, the car was in good or bad taste, it was a relic connected with the funeral of the Duke of Wellington, and the Committee would not, he felt assured, hesitate to grant the small amount which was asked for under the circumstances of the case.

LORD JOHN MANNERS said, he always trembled when questions of taste were submitted to the House, and he would not say a word on that subject. He agreed, however, that it would not be right or proper that the car should be broken up, and he thought that the right hon. Gentleman had made a very wise selection of a place in which to deposit it?

MR. ROEBUCK said, he wished to know whether anybody could see the car in the place in which it was proposed to place it? If they could it would certainly be a great hardship.

MR. COWPER said, it would be underground where nobody could see it without going expressly for the purpose. There was a difference of opinion as to the artistic merits of the car; many persons considered it an excellent example of English metal work and worthy to bear a hero to the tomb. He could assure the Committee the car would add to the effect of the arrangements in St. Paul's Cathedral.

MR. BLACKBURN said, he must protest against the notion that any feeling of disrespect to the memory of the Duke of Wellington had prompted his Motion. On the contrary, he did not see why the one failure of the public funeral should be perpetuated. Everybody admitted that it would have been infinitely better that the coffin should have been borne upon a common gun carriage; and, in fact, the disrespect to the memory of the Duke seemed to him to be connecting it with such an abominable abortion.

Motion made, and Question put,

"That the item of £340, for the removal of the Wellington Car from the Courtyard of Marlborough House to the Crypt of St. Paul's Cathedral, and for Works required in adapting part of the Crypt to receive the Car, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 26; Noes 52: Majority 26.

Original Question again proposed.

LORD WILLIAM GRAHAM called attention to the item of £4,200 for the waterworks before alluded to.

MR. COWPER said, the item of £4,200 for the supply of water included the water supplied for the Houses of Parliament, the public offices, and the Trafalgar Square fountains. There was a special supply from the well in the Orange Street works to the fountains. This required enlargement, and there would thus be an increase of the bulk and of the effect of the fountains.

MR. W. WILLIAMS said, he would then move the reduction of the Vote by the sum of £680, rent of office in Whitehall Place for the use of the Ecclesiastical Commissioners. He thought the public ought not to be taxed for the support of a commission which had such a vast amount of money passing through their hands. The right hon. Gentleman (Mr. Disraeli) he might add had imputed to him a very unworthy motive for withdrawing his Motion previously. He had done so partly for the reason stated by the Chairman, and partly because he had no wish to count out the House at a time when there were only some two-and-twenty Members present.

SIR GEORGE LEWIS said, that the Vote had been agreed to for a series of years. It must not be supposed that the Ecclesiastical Commission had been instituted at the wish of the Church, or that the Church had desired that the estates of deans, chapters, and bishops should be transferred to it for the augmentation of small livings. On the contrary, the arrangement had been effected by the interference of Parliament for what it considered and what he believed to be a great public object, the endowment of the less well paid portion of the clergy at the expense of the more wealthy and dignified portion. Besides, the Ecclesiastical Commissioners had latterly performed the duties (which were not light) of the Church Building Commission. It was, therefore, not unreasonable that the country should be asked to pay a portion of the Commissioners' expenses.

MR. ROEBUCK said, he wished to know whether any part of the expenses of the Commission was paid by themselves?

SIR GEORGE LEWIS said, the Ecclesiastical Commissioners were trustees for the purpose of dealing with a special fund derived from the income of church lands. They paid, however, a greater portion of their own expenses out of their Common Fund.

LORD FERMOY said, he thought the Commissioners ought to pay the rent of their house. He thought that if that Vote of £600 was refused the Commissioners might occupy Kensington Palace, which was going to decay from want of occupation.

MR. PEASE said, that the operations of the Commissioners were no doubt satisfactory. The Commissioners derived £30,000 or £40,000 a year from the county of Durham, and the people there complained that after paying this amount they should be called upon to pay more from the taxes of the country. He also wished to protest against the statement of the right hon. Member for Bucks, that those who criticised the Estimates did so from a desire to gain popularity, and hoped the right hon. Gentleman would not again attempt to discourage reasonable inquiries on the various items of public expenditure.

MR. DISRAELI said, the hon. Member had misunderstood his meaning. He did not deprecate discussions upon the Estimates; on the contrary, he thought it was the first duty of hon. Members to criticise the Estimates, and to endeavour to effect prudent reductions. What he objected to was, that having ably criticised particular items, and having established a case which in their opinion called for the decision of the Committee, they should recede from challenging that decision because they were afraid of obtaining a majority.

MR. BLACK remarked that, as the Ecclesiastical Commissioners carried on their business for the exclusive benefit of the Church it was hardly fair that the public should be burdened with a portion of their expenses.

LORD JOHN RUSSELL said, the Ecclesiastical Commissioners were required by the late Sir Robert Peel to enter upon an inquiry on the part of the State into the Revenue of the Church, and it was only reasonable that the public should bear a portion of the expense.

Motion made, and Question,

"That the item of £680, for Rent of 11, Whitehall Place, as the Office of the Ecclesiastical Commissioners, be omitted from the proposed Vote."

Put, and *negatived*.

MR. LAYARD inquired whether the Government were prepared to place plans before the House for the erection of suitable buildings on the site of Burlington House? Several years ago that site was purchased at a cost of £180,000, and up to that moment nothing had been done to render it available for public purposes. He thought the time had come when accommodation should be furnished at Burlington House for the various public institutions of science and art. The Geographical Society, for example, had claims upon the Government which should not be overlooked.

Mr. DANBY SEYMOUR said, he hoped the Government would not produce plans for the erection of buildings on the site of Burlington House. Whatever had been done hitherto in the way of public buildings showed that they were not advanced enough in the art of architecture to occupy the vacant ground at Burlington House with buildings of a satisfactory character at present. Considering the large annual expenditure, it was unreasonable to ask the Government to give additional grants either to the geographical or any other private society. He wished to know, however, what the Government proposed to do with the main part of Burlington House. The Royal Society was lodged merely in one of the side pavilions.

Mr. LAYARD said, the Geographical Society would be willing to receive premises, instead of the grant, if the Government would provide them.

Colonel SYKES said, he had understood that Burlington House was purchased for the accommodation of certain societies that had claims on the Government. That accommodation had not been provided, and he should be glad to know if it was intended that it should be provided.

Mr. COWPER said, that every inch of Burlington House was now occupied most advantageously for the public by the societies having claims on the Government. No final decision had yet been come to by the Government on many plans before it for appropriating the site and garden of Burlington House; but he hoped in a short time that decision would be made. He did not agree with the hon. Gentleman (Mr. D. Seymour), however, that we had not architects capable of erecting a building that was worth looking at.

Original Question put, and *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £22,400, be granted to Her Majesty, to defray the charge for the Supply and Repair of Furniture in the various Public Departments, to the 31st day of March, 1862."

Lord WILLIAM GRAHAM said, the Vote included £10,400 for furniture for the Kensington Museum; if it was to furnish the new building there he objected to the Vote, as he objected to the building itself.

Mr. COWPER explained that the £10,400 included the expense of all the furniture, both for the old building at South Kensington and for what would be required for the new part of them.

Mr. AUGUSTUS SMITH moved that the Vote be reduced by £10,400.

Mr. COWPER said, he feared no scrutiny into this item; the expenditure had been made under strict regulations, and with great economy.

Mr. LAYARD said, he hoped the hon. Member would not divide the Committee on this item. He did not think any public money had been better expended.

Lord JOHN MANNERS said, the Vote was not for furniture only, but for the Museum fittings; great care had been taken to keep down the estimate.

Colonel SYKES said, he thought that the museum at Kensington conferred advantages upon the working classes which they could not derive elsewhere, and he hoped the Amendment would not be pressed.

Mr. AUGUSTUS SMITH said, he objected to the expenditure *in toto,* and he had no doubt, if the Committee passed the vote of £10,000, it would be £20,000 the next year.

Mr. LOCKE said, he sat on the Committee on the South Kensington Museum, and he was disposed to agree with the hon. Member for Truro (Mr. Augustus Smith). He thought that the South Kensington Museum was going on at a very great pace. They ought to have some explanation of what these fittings were and for what purposes they were intended. He admitted that the museum had done good service, but still they might be paying too much for an establishment of that kind.

Mr. COWPER said, a very large addition was to be made to the South Kensington Museum by throwing a glass roof over four sides of a quadrangle. A sum had been voted for that purpose, and that building must be fitted up. These fittings were necessary to enable the South Kensington Museum to exhibit the finest collection of mediæval objects of art and manufacturing industry which existed in

Europe, and which must attract the attention and admiration of all who understood the subject. The Department at Kensington had greatly improved the artistic manufactures of Great Britain. Looking at the question in a money point of view, the nation had gained immensely, while, as regarded the objects of recreation, amusement, and instruction of the middle and lower classes, the gain had been ten times the value of the money expended.

Captain JERVIS said, he was at a loss to understand what necessity there was for so great an increase of window room. He complained of the rather insidious attempt to keep up Kensington Museum against the wishes of that House. He had paid great attention to that museum, but he could not tell from whence the large collection for which the fittings were required had come.

Mr. GREGORY observed that if the hon. and gallant Member had paid the slightest attention to Kensington Museum, if he had been there lately and had made use of his senses, he would very soon have discovered what the collection was. It was a most important and valuable collection of busts, terra-cottas, and other works of mediæval art, which had been deposited in a room not accessible to the public, and which, to be exhibited, must be placed on tables with appropriate fittings.

Lord WILLIAM GRAHAM said, he understood that the fittings were for the new schools and residences of the officers; not for any new collection.

Mr. LAYARD observed that he was surprised at the ignorance which had been displayed in regard to the South Kensington Museum. If that museum had not stepped in at the present time, one of the finest mediæval collections would have been lost. It was absurd to spend £20,000 in purchasing a collection, and then refuse the money requisite to purchase the cases for properly exhibiting the articles.

Mr. DILLWYN said, the great unpopularity of the South Kensington Museum was attributable in great measure to the unfair way in which the Votes for it had been brought forward. At first it was stated to be merely a temporary institution, Last year it did not appear in the Estimates, and a Committee was appointed, but at so late a period of the Session that the independent Members could not attend, and the majority who did attend were members of the Government, who had it all their own way.

Captain JERVIS said, he thought it would be more satisfactory to the Committee if they received their information in respect to the Vote from the First Commissioner of Works, whose legitimate function it was to furnish it, instead of from the hon. Member for Galway (Mr. Gregory).

Mr. COWPER said, they might assume that of the Vote about £7,000, would be required to furnish these new buildings, and the remainder for the annual expenditure on the whole building. It was proposed to cover over the quadrangle, and to obtain a large space for the purposes of the collection at comparatively little cost. There was such a readiness among persons possessing interesting objects of industrial art to lend them for exhibition, that, supposing the museum had not sufficient property of its own, it might be filled with specimens lent for a time by the owners. They had an architectural museum to which valuable additions had lately been made. The extent of glass-cases required for such a building must be costly; and chairs, tables, pedestals, and other furniture were wanted as well as fittings.

Mr. LOCKE said, he did not regard the right hon. Gentleman's explanation as at all satisfactory. The term "fitting" was a most indefinite one, and he could not understand how £10,000 should be required for tables and chairs.

Motion made, and Question put,

"That the item of £10,400, for the Supply and Repair of Fittings and Articles of Furniture for the Department of Science and Art—namely, Museum, South Kensington, Museum of Geology, and College of Chemistry, be omitted from the proposed Vote."

The Committee *divided:*—Ayes 25; Noes 140: Majority 115.

Original Question put, and *agreed to.*

(4.) £98,298, Royal Parks and Pleasure Grounds.

Mr. BLACKBURN complained of the deceptive nature of the comparative statement of expenditure between this year and last year—an inaccuracy which was common to other Votes in the Estimates. There was an apparent diminution of £2,000 as compared with the Vote of last year, but when all the items were included there was a positive increase of £13,000. The amount asked for was very large, and he would like to know whether £80,000 was absolutely required for the maintenance of the parks round London? The Committee ought to allow a fixed sum, and say that it must be made to do.

Mr. W. WILLIAMS said, he objected to the extraordinary charge for Kew Gardens. For the botanic gardens £12,135 was asked, and for the pleasure gardens £24,262. Then there was a sum of £23,417 for St. James's, Green, and Hyde Parks, but he was at a loss to know for what that money was required.

Mr. PEACOCKE said, he was glad the hon. Member for Stirlingshire (Mr. Blackburn) had called attention to the question of the Estimates. The manner in which they were presented was thoroughly calculated to deceive the House. There was throughout the mention of a "probable surplus" from last year. The House ought to have fuller information as to what this surplus was. He thought the same precision ought to be required for those Votes as for the Army and Navy Estimates. There were some items which required explanations — such as £2,800 for the ranger's department in Richmond Park, and £2,020 for the department of the ranger of St. James's Park, those departments costing more pounds than there were acres to look after.

Mr. W. EWART said, he wanted to know what were the duties of the deputy-ranger of Hyde Park, and he hoped that when a vacancy occurred in the office the ground now occupied by the deputy-ranger's house would be devoted to public use.

Mr. DODSON said, he observed a charge of £2,500 for providing a walk and ride near the Serpentine, and he wished to ask how that money was to be expended? There had been a walk near the Serpentine, but it had been stopped and converted into a ride by simply putting up hurdles to prevent persons from walking there.

Mr. DILLWYN complained that the enormous sum of £23,000, which was quite a nobleman's income, was expended on those parks. He thought it quite right that the parks of the Metropolis should be kept in good order for the enjoyment of the public, but surely that was a preposterous sum to expend upon them. He hoped further explanation would be rendered to the Committee.

Sir JERVOISE JERVOISE said, he thought that as the property in the neighbourhood of the parks was increased in value by the improvements in the parks, it was not right to make the nation at large pay for all those improvements.

Lord FERMOY said, he thought there was some reason to complain of the way in which this Estimate had been drawn, the money for two very different things being put into one Vote without saying how much for each. Thus there was an item of £2,500, which was said to be for a walk and ride near the Serpentine.

Mr. COWPER said, that as to the form of the estimate the mention of the probable surplus of former grants was an arrangement which in the early part of the evening met with great approbation from hon. Gentlemen. It had been adopted in pursuance of the recommendation of a Select Committee. It did not mislead, because the total estimate was given, and the probable surplus being deducted would leave the net amount. As to the walk and ride being included in one Vote, that was a misprint. It ought to have been simply "a walk;" the word "ride" was mistake. Every Sunday afternoon a very large number of persons were walking on what was formerly grass, but was now a very bare and ragged strip of land. Since the public seemed to have made up their mind to use it for a walk he wished to render it suitable for that purpose, it was 2,000 linear yards in length, from Hyde Park Corner to Kensington Gardens. The distinction between the rangers' department and the department of the Office of Works was one of form and not of substance. When Hyde Park, Greenwich, and Richmond Parks were kept as parks for hunting deer, the office of ranger was more required, the lodges and the grazing of cattle were under his direction. As for that part of the parks near the Serpentine which was occupied, as it was likely that some years might elapse before the house there could be pulled down, it was thought desirable to make it as convenient as could be, and, therefore, £2,000 was asked for that purpose. With regard to the expense of the parks in general, that for the Green Park and Hyde Park was less than in previous years, and yet there had been increased accommodation for the public. There had been an increase of convenient walks and of flowers, and more comfort and recreation had been supplied to the public for the money than heretofore.

Sir STAFFORD NORTHCOTE said, that the form of the Votes gave as the total amount a sum less than was likely to be required, because the surplus of former years was to be taken into account. Some days ago the right hon. Gentleman, the Chancellor of the Exchequer, speaking of the subject, said that was an approximation to what the Committee on Public Monies, and other Committees had recommended; but he (Sir Stafford Northcote) did not think that a fair description. What the Committee desired was that these Votes should come before the Committee in the same form as the army and navy Votes—namely, that Votes should be taken for the money actually to be paid during the year, and that if there was any surplus at the end of the year it should be surrendered. Such a plan enabled them to compare one year with another, which they could not do while the present practice was adopted. The surplus of £296,000 from last year ought to have been surrendered to the Exchequer, and Votes larger than those now asked for by that sum ought to have been proposed.

The CHANCELLOR of the EXCHEQUER said, he could not admit the fairness of the criticism, considering the quarter from which it proceeded. The hon. Gentleman imagined that he had discovered a practice which greatly deluded the House of Commons, but the Government in following it, and cutting down the Estimates by means of the balances from the preceding year, had carefully informed the House what they had done. But in the year 1858 the same course was taken by the Government, of which the hon. Baronet was a Member, but he did not recollect that in that year any notice was given that that course had been taken. It was then announced that the Miscellaneous Estimates would be less than they were the year before, and so they were, because the balances were drawn upon to such an extent that upon some Votes there was left an insufficient provision for the wants of the year. When he said that it was an approximation to the state of things recommended by the Public Monies Committee he did not mean that it was to be the permanent condition of things, but only that it was a state of transition to the complete carrying out of the recommendations of that Committee. As regarded the merits of the question, he believed the description given by his hon. Friend was entirely inaccurate. For the last three years the balances of the Estimates for the miscellaneous services had been considerably drawn upon, but in no single instance had the total expenditure equalled the amount voted—not even in the particular case where the hon. Baronet claimed for the late Government the merit of originality in the course which they adopted. Undoubtedly, when the House voted money for 202 services with 202 margins, it followed that the general effect was to make a provision largely in excess of the actual requirements. He had for years advocated the principle that balances ought to be paid over to the Exchequer, and he hoped they would soon be able to give full effect to the recommendations of the Public Monies Committee.

Mr. PEACOCKE said, he thought the Government entitled to credit for the efforts which they had made to fulfil some of the recommendations of the Committee, and for that reason he had supported the Motion for a Vote on account, in opposition to the party with whom he usually acted. But the Committee had a right to ask whether next year the Chancellor of the Exchequer would be prepared fully to carry out the recommendations of the Committee.

Mr. E. P. BOUVERIE said, his right hon. Friend the Chief Commissioner of Works had given no explanation of what appeared to his untutored mind an extraordinary demand for the pleasure gardens at Kew. Year after year there was a continued increase in the demands for parks and gardens, and as long as the heads of departments lent a willing ear to the representations of their subordinates there would never be a cessation of these growing calls on the public purse. Such items in moderation were not grudged, but if carried to excess a revulsion of feeling would some day manifest itself, which would eventuate in the total suppression of these pleasure grounds. The House being called upon to vote money for works already half executed, had no opportunity of judging of their desirability.

Lord JOHN BROWNE said, he wished to remind the Committee of the circumstances connected with the erection of the temperate-house at Kew Gardens. Some years ago great complaints were made that valuable plants and trees were being destroyed for want of a proper house, and the necessity for such a building was strongly urged on the Government of the day. A pledge was given that it should be erected at a cost of £30,000; and by a majority of ten to one that decision was afterwards supported in the House. In accordance with that vote contracts were entered into, and it was rather late in the day for hon. Gentlemen now to come down and open the subject afresh.

Captain JERVIS said, he thought the works at Kew were a credit to the Government. He would also congratulate the Chief Commissioner of Works (Mr. Cowper) on the improvements he had effected in Battersea Park, which formed a most agreeable place of recreation for the large population congregated on both sides of the river.

Mr. W. WILLIAMS said, he would ask the right hon. Gentleman to state the amount of the expenditure on the ride in Kensington Gardens?

Lord JOHN MANNERS said, it ought to be matter of praise rather than blame that the heads of particular departments attached importance to the interests confided to them, and pressed them upon their superiors. It was not the influence which they brought to bear, but that which the House itself put upon the Board of Works, that caused the large expenditure at Kew, which was complained of. Having himself been instrumental in inducing the House to agree to the expenditure at Kew, to which allusion had been made, he was by no means ashamed of the part he had taken.

Mr. SLANEY said, he wished to return his acknowledgments to the right hon. Gentleman for the improvements which he had carried out for the public advantage. He hoped it might be possible at a future day to establish some pleasure grounds in the south-west district of the Metropolis.

Mr. LYGON observed that the expense of erecting a drinking fountain in St James's Park was £100, while in Regent's Park it was £150, and he should like to hear the discrepancy explained.

Mr. THOMSON HANKEY said, that Kew Gardens were the only public establishment of the kind that were a credit to the country. He was surprised at the limited cost for which they were maintained. He had only one fault to find, and that was that for a large portion of the year there was but one means of ingress and egress to the gardens, and that was at the Kew side.

Lord FERMOY remarked, that another entrance was very much wanted to the Kew Gardens, which certainly were a great credit to the country. With regard to the new ride in Kensington Gardens, he thought, although the riders were admitted in the least objectionable place, the general feeling was that it was an invasion of the rights of the public.

Mr. DILLWYN said, he did not intend to oppose the Vote, but he hoped that next year the right hon. Gentleman would give the House an account of the way in which the large sums voted for the parks were expended.

Mr. PEASE approved of the expenditure in St. James's Park and Hyde Park, which were public parks from time immemorial; but he strongly objected to the large expenditure for Battersea Park, amounting last year and this to £17,000. He objected to the continual laying out of new parks in the Metropolis at the expense of the country generally. He would divide the Committee if he thought he would be supported in a protest against that system.

Mr. CLAY also complained of the heavy demands made for water supplies to the parks.

Mr. COWPER said, the temperate house in Kew Gardens would soon be complete, when, no doubt, there would be a great influx of persons there in the winter. The pleasure gardens would then be thrown open in the winter, and additional access given to the gardens. As to the water supply to the gardens generally, the sum set down for it included also the labour, the water carts, and the horse hire. He did not think it was necessary for him to enter into details as to the cost of the parks, for last year the Estimates were referred to a Committee, and no recommendation of a diminution in those Estimates was made. The new Kensington ride had not cost more than £20, and that sum had been defrayed out of a Vote of £250 of last year.

Vote *agreed to.*

(5.) Motion made, and Question proposed.

"That a sum, not exceeding £54,692, be granted to Her Majesty, to defray the Charge for Works and Expenses at the New Houses of Parliament, to the 31st day of March, 1862."

Sir HENRY WILLOUGHBY said, he could not but complain of repeated demands on the account of the new Houses of Parliament, after it was understood that the last of them had been paid. They began the Houses of Parliament with an estimate of £700,000, and ended with an expenditure of £2,500,000. For many years he and others had tried to draw this expenditure to a conclusion, and it was owing entirely to the late Sir William Molesworth that a termination was arrived at. It was then settled that the sum of £180,000 was to cover every cost. But what had happened? They were now asked to vote an item of £20,895 which had been expended by the late distinguished architect without authority. The Committee had a right to expect some explanation, and to ask whether they had yet got to the end of this expenditure. A more prodigal expenditure of money he never heard of.

Mr. COWPER said, that no doubt it appeared upon the face of the Estimates that a sum of £20,895 had been spent beyond the estimate prepared by Sir Charles Barry in 1859. He agreed with the hon. Baronet that this excess was a matter to be deplored. It could, however, be traced to the course that was taken in the beginning. A contract in gross would have furnished better security against an excess of the Estimates, than confidence in the architect. The architect had exercised a general authority over the works without being subject to effectual control. He was responsible to a Committee of the Commons and to a Committee of the Lords, then to a Commission. He had many masters, but none were able to control the expenditure. It was a long story but everybody agreed that the arrangement had been a mistake. With regard to the item of £20,895 in the present Estimate "for the completion of the unfinished portions of the entire building," an expalantion would be found in the annexed correspondence. He would admit that it was not entirely satisfactory, but since Sir Charles Barry had been removed by death it was impossible to get the detailed explanations which he alone could give. Sir Charles Barry had authority to expend the money, and he made periodical returns, but they did not give all the information desired. The works for which the sum was now taken were necessary. They ought to have been included in the specification of 1859, but were not. But although the Committee were asked for the sum of £20,895, it was more than covered by a balance of £35,000 recently surrendered which had been saved in other directions. With regard to future expenditure, Mr. Edward Barry had undertaken to make half-yearly reports, giving in detail the expenditure on the works for which this Vote was taken. There was no reason to doubt that the sum of £20,985 would be sufficient, under the management of Mr. Barry, to complete the building.

Mr. W. WILLIAMS said, there was an item in the Vote for statues of four British Sovereigns. Who were they? They had statues of all the British Sovereigns about the House, and in St. Stephen's Hall statues also of great and distinguished men. But there was an absence of the statue of the greatest man, the greatest soldier, the greatest statesman, the wisest governor, and the greatest friend of liberty the country ever had. He need not add that he meant the Protector, Cromwell. Historians were beginning to throw light on his before blackened character. Was the Government, he would ask, about to give a statue to this great man? The public—some of them, he meant—were willing to do so by subscription. To that he would never consent. The statue to that illustrious man ought to be erected at the national expense.

Mr. E. P. BOUVERIE said, there was an ambiguity in Mr. Barry's letter; in consequence of which he would ask whether the "£20,000 to finish works in hand" would finish the building? Of course there would be ornamental work; but would the building be substantially finished for that sum? The north-west corner of the building, under the clock tower, was incomplete. Sir Charles Barry had a magnificent design, which he remembered was lithographed, having an immense court in Palace Yard, with a beautiful screen of decorative architecture, which was to cost the modest sum of £900,000; and the gap in the clock tower was, he believed, left as a hint that such a grand scheme was to be carried out at the public expense. Was anything included in this £20,000 for removing this blot in the wall?

Colonel WILSON PATTEN said, he also would be glad to know whether any further sums were to be called for beyond the £20,000 to complete the Houses of Parliament, as well as whether there were any plans or specifications of the works required for that purpose?

Mr. CAVENDISH BENTINCK remarked, that although Mr. Dyce had been paid £560 for the frescoe he had undertaken, he had executed very little of his work; and he wished to know whether any steps had been taken to bring him to a sense of what was due to the country? As long ago as 1857 the Commission on the Fine Arts wrote to him that his work ought to be finished by the following year. Perhaps the First Commissioner of Public Works would inquire into the state of the frescoes, and would he apply the unexpended balance to that work?

Mr. LAYARD remarked, that the First Commissioner on a former occasion had stated that the condition of the frescoes was owing to the badness of the materials used in laying on the "intonico" or plaster on which the picture was painted. That plaster came from Munich, where frescoes painted on the same foundation were also "going." Some of the artists who had painted the frescoes in the Houses of Parliament were willing to repaint their works, but they wished it to be perfectly understood that the material to be painted upon must be good. He would suggest the appointment of a Commission, to comprise chemists among its members, to examine into the nature of the plasters, for in some places frescoes were good after being painted hundreds of years.

Captain JERVIS said, he wished to know whether the First Commissioner had come to any determination as to the various processes for preserving the stone of the Houses of Parliament?

Mr. COWPER said, that a Commission of scientific and experienced men was investigating the last-mentioned subject, and had not yet reported. The explanation of the hon. Member for Southwark (Mr. Layard) confirmed what he had previously stated. If the decay were not attributable to the manner in which the colours had been applied, but to a defect in the plaster, he still thought that the artists ought to have satisfied themselves of the proper quality of the plaster upon which they painted before they commenced their work. The more recent frescoes did not exhibit the same signs of decay as those first executed. No Vote was required for frescoes this year, because there was a balance in hand. Allusion had been made to Mr. Dyce's conduct in a recent Report of the Fine Arts Commission, and he was not aware that that gentleman had challenged the allegations in the Report. The hon. Member for Lambeth (Mr. Williams) had expressed a wish that there should be a statue to Oliver Cromwell. That distinguished personage had not been forgotten, and in the list of persons to whom statues might be erected, which had been published in an appendix to one of the Reports of the Fine Arts Commission, the name of Oliver Cromwell appeared, but no place in the building had been assigned to his statue. In reference to the question of the right hon. Gentleman (Mr. Bouverie), he might say that the Vote of £20,000 was intended to complete all those portions of the Houses of Parliament which were now in hand, but did not include any of the designs sketched out by Sir Charles Barry for the encloure of New Palace Yard by two additional wings. It would be premature to come to a conclusion as to what should be done with the site until the houses in Bridge Street were pulled down, and those houses would not be pulled down for another year. None of the £20,000 was intended to fill up the rough wall of the Clock Tower.

Lord JOHN MANNERS said, the completion of the unfinished part of the wall of the Clock Tower was provided for by a Vote taken two years ago.

Mr. LAYARD said, he wished it to be understood that the painters had nothing to do with putting up the plaster on which the pictures were painted. For any defect in that the persons employed by the Government were responsible.

Mr. E. BALL said, that no great body ought to be ashamed to acknowledge Oliver Cromwell as the originator and founder of England's greatness. Oliver Cromwell was one of the chief conservatives of his age. He was the originator of the Navigation Laws. Without those laws England would never have been mistress of the seas, and, therefore, to Oliver Cromwell was owing the greatness of this country. In addition to that every one must acknowledge the high standard of moral principle and rectitude maintained by Oliver Cromwell. While monarchs were unobservant of their word, the word of Oliver Cromwell was always binding. While there were soldiers who regarded neither the laws of God nor man, his soldiers regarded their commanders, and paid reverence to the great Commander of all. When he spoke in terms of respect of Oliver Cromwell he was not wanting in reverence for the Royal Sovereigns who followed or preceded him. He felt no diminished attachment to monarchy, and he was no less sensible of the privilege of living under such a monarch as now governed these realms. At the same time he was not ashamed to say that there were many parts of the history of Oliver Cromwell which monarchs would do well to study and imitate. Oliver Cromwell possessed those great qualities of moral worth, indomitable courage, and unwavering attachment to his country, of which no monarch and no Englishman could ever be ashamed. He hoped that the statue would not be placed in some obscure or hidden corner, and that it would prove to all future ages that worth was always recognized, and that truth would always prevail.

Mr. GREGORY said, he wished to have a reply to the question as to who were the four sovereigns who were mentioned, because last year they had a pleasant debate upon whether they were to have some Saxon kings, or some of the Georges, and many hon. Members would like to know if they had escaped that infliction?

Mr. TITE remarked, the great decay in the frescoes was confined more particularly to one, which must have arisen from some accident or carelessness in the workmen; but the part could be cut out and be replaced with new painting. He said the quality of the plaster depended on the purity and age of the lime employed.

Sir HENRY WILLOUGHBY said, he he had no objection to a statue to Oliver Cromwell, or to additional frescoes; but he had an objection to additional taxes being taken out of the pockets of the English people. He wished to have a distinct answer as to whether they had done with the designs of Sir Charles Barry? Was there to be an end to the expenditure on the House? He did not allude to the buildings to be erected where the houses now were which were to be pulled down, but was there to be additional expenditure on the House itself? If the question were not answered honestly he should move the omission of the sum from the Vote.

Mr. COWPER said, that the sum now asked for would complete the residences, approaches, and everything that was understood under the term "Houses of Parliament," but he guarded himself against expressing any opinion with respect to what was to be done with New Palace-yard hereafter. That was not a portion of the Houses of Parliament, and future consideration must determine whether the northern side should be closed with buildings. He also wished to guard himself against being supposed to be committed to the erection of a statue of Oliver Cromwell. All he had said was that the name of Oliver Cromwell was to be found in the appendix of the Fine Arts Commission among men to whom statues might hereafter be erected. With respect to the statues in the Royal Gallery, the Fine Arts Commission had been engaged for twenty years in endeavouring to develope and elevate art in its application to those buildings, and, as the Royal Gallery required sculpture as well as painting to complete it, it was proposed this year that four statues out of twelve in all should be placed in four prominent positions of that gallery. The statues were, he understood, to be a chronological series of the Sovereigns of this country. The sculptors selected were rising men whose talent deserved encouragement. [*Cries of* "Name!"] They were Mr. Theed and Mr. Thorneycroft. Sculpture required more public encouragement than painting, because there were fewer opportunities of employing it in private houses.

Mr. GREGORY said, that the Committee had now come back to exactly the same point which was decided last year. It was then distinctly understood that the House would not enter upon the expense of having a whole chronological series of British sovereigns; but that a selection of four of the most eminent should be selected for representation in sculpture, and the statement now made by the right hon. Gentleman showed a desire on his part to set aside that decision. He should, therefore, move that the Vote be reduced by £3,200, the cost of the four proposed statues.

Lord CLAUD HAMILTON said, he wished to know whether the right hon. Gentleman included in his statement all the expense occasioned by the decay of the building before its completion? With regard to the statues, he was one of those who considered, if there were to be statues in illustration of English history, that it would be a perfect farce to exclude the statue of Cromwell—one of the most remarkable men in history. He did not wish to hold him up as an example; but his energy and firmness had swayed Europe in a way that few British statesmen had been able to do, and it would be a mockery and delusion to attempt to illustrate British history by statues and at the same time to exclude the statue of Cromwell.

Mr. STIRLING said, he desired an explanation of the item of £6,455 for the furniture and repair and cleaning of furniture. With regard to the four sovereigns, he thought the Committee, before voting the money, should know who they were to be. Were they to be sovereigns known in history, and whose portraits were known, or sovereigns of that mythical kind who were sculptured first and christened afterwards?

Lord JOHN MANNERS said, the hon. Member for Galway was a little hard on the scheme. What the House declined to agree to last year was that there should be a chronological series beginning either at the beginning or at the end; and what was now proposed was that the series should begin in the middle. He (the noble Lord) sincerely hoped that the Committee would not attempt to determine what kings should have statues? If they did, they might depend upon it that the debates they would have as to the appropriation of these four seats would exceed those which they had just finished upon a similar question. They had better leave the decision to the responsible Ministers of the Crown.

Viscount PALMERSTON: I join with the noble Lord in recommending the hon. Gentleman to be warned by his past experience. He has seen how difficult it is to form a Committee. He had the charge of forming the Galway Committee, and great difficulty he had in selecting a few names from the body of the House. If he undertakes to form a committee of Sovereigns who are to sit in this Royal Gallery he will find it still more difficult to satisfy, not himself, but the public at large. The question is a very simple one. The object for which the Fine Arts Commission was appointed was to forward and promote the arts of painting and sculpture in connection with the construction and ornamentation of the Houses of Parliament. Paintings have been placed in the Royal Gallery, and it was thought—and justly, in my opinion—that it was a proper site for works of sculpture. Then the question comes, what works of sculpture are most appropriate for the Royal Gallery, through which the Sovereign has to pass? Would you have allegorical statues of heathen deities? No; you would naturally put in it statues connected with the history of the country. You cannot obliterate the history of the country. One man, as he reads over history, may think one Sovereign good and another bad, but there they are—they are persons who have reigned, and whose reigns form part of the history of the country. Here it is proposed that in this gallery should be placed a certain number of statues, and naturally it seems to me they should be statues which represent portions of the history of the country. The way

in which they are identified with portions of our history is by being statues of Sovereigns who have reigned in remarkable periods of our history. I do not know who are to be selected; but I quite agree with the noble Lord that the selection should be left with the Fine Arts Commission, with whom the House may find fault afterwards, rather than with the House, which would only have itself to reproach if it changed its mind.

Motion made, and Question,

"That the item of £3,200, for statues of four British Sovereigns, to be placed in the Royal Gallery, under the directions of the Commissioners on the Fine Arts, be omitted from the proposed Vote."

Put, and *negatived.*

Original Question put, and *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

EAST INDIA (HIGH COURTS OF JUDICATURE) BILL.—CONSIDERATION.

Order for Consideration read.

Clause 4,

Mr. BUTT said, he wished to insert two clauses, the first of which was to the effect that the Indian Judges should, like the Judges in England, hold office during good behaviour, instead of during Her Majesty's pleasure. The second Clause provided that whenever an Indian Judge was removed, the fact of his removal should be communicated to Parliament.

Sir CHARLES WOOD said, the present law as to the removal of these Judges had been in existence many years without any complaint of having been made. He opposed the Amendment, and it was negatived.

Clause *brought up,* and read 1°.

Motion made, and Question, "That the Clause be now read a second time," put, and *negatived.*

Another Clause—

"Provided always, 'That when any Judge of the High Courts shall be removed from his office, a copy of the warrant or other instrument removing him, together with a statement of the reasons for such removal, shall be laid before both Houses of Parliament by one of Her Majesty's Principal Secretaries of State within ten days after the issuing of such warrant, if Parliament shall be then sitting, and if not, within three days after Parliament shall next meet,'"

—*brought up,* and read 1°.

Motion made, and Question, "That the Clause be now read a second time," put, and *negatived*.

Clause 6,

SIR CHARLES WOOD said, he had to to propose an Amendment, the object of which was to prevent injustice being done to existing Judges.

Amendment *agreed to*.

SIR JAMES ELPHINSTONE said, he wished to add a proviso at the end of the clause by which any covenanted civilian appointed or transferred to any court should be entitled to a retiring pension, the same as that of the other Judges appointed under this Act.

MR. SPEAKER said, as the clause imposed a charge on the revenue it could not be put unless it was first agreed to in Committee.

Clause *withdrawn*.

Bill to be read 3° *To-morrow*.

WINDSOR SUSPENDED CANONRIES BILL.

SECOND READING.

Order for Second Reading read.

SIR GEORGE LEWIS said, he had to move the second reading of this Bill, the object of which was the appropriation, out of the eight suspended canonries, the proceeds of which were payable to the Ecclesiastical Commissioners, of the profits of one canonry for the benefit of the military knights, on the Royal foundation at Windsor, and the profits of another of these canonries in augmentation of the benefices of the vicar and the perpetual curate of the district church of the Holy Trinity in Windsor.

LORD JOHN MANNERS said, he objected to the Bill on the ground that it reversed the principles on which Parliament had of late years dealt with Ecclesiastical property of that description. One of the canonries consisted of the tithes of the parish of Wraysbury, which, in point of fact, was much more miserably endowed than Windsor was.

MR. E. P. BOUVERIE said, that as one intrusted with the administration of these funds, he must protest against such an application of the revenues of one of the suspended canonries. The principle was one which might be carried a great deal further, and might destroy the effect of much useful legislation.

MR. AYRTON said, that if the object of the Bill was to give to the Military Knights of Windsor, out of the revenues in the hands of the Ecclesiastical Commissioners, an advantage which they had never before enjoyed, and to which the highest Court of Appeal in the realm had declared they had no right, it was a very extraordinary measure indeed. The right hon. Gentleman the Home Secretary had on other occasions opposed, on the ground of principle, a diversion of ecclesiastical funds for which he now sought a legislative sanction.

MR. G. W. HOPE contended that the Military Knights had an equitable, though not, perhaps, a legal claim to the allowance the Bill proposed to give them. As a Royal foundation, the chapter of Windsor, he thought, was bound to make provision for the living of Windsor.

MR. DEEDES said, he had great sympathy for the Military Knights of Windsor, but he could not help thinking that the Bill of the right hon. Gentleman was a strong one, in giving to these knights what the law had decided they were not entitled to. He could not agree either to the proposal for increasing the livings of Windsor out of the fund. But he would not divide the House at that stage.

Bill read 2°, and *committed* for *Thursday*.

COURTS OF JUSTICE BUILDING ACT (MONEY) BILL.

SECOND READING.

Order for Second Reading read.

MR. COWPER proposed that this Bill should be read a second time and referred to a Select Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. LYGON urged that there were valid reasons why the question of site should be also referred to the same Committee.

MR. COWPER said, the question of site formed no portion of the Bill; and if it were referred to the Committee, it would be tantamount to the rejection of the measure this Session.

MR. GEORGE moved the adjournment of the debate.

Motion made, and Question, "That the Debate be now adjourned," put, and *agreed to*.

Debate *adjourned* till *To-morrow*.

House adjourned at Two o'clock,

HOUSE OF LORDS,

Tuesday, July 2, 1861.

MINUTES.] PUBLIC BILLS.—1ª Local Government Supplemental.
2ª Landed Property Improvement, &c. (Ireland).

THE DUKE OF MODENA AND THE CHANCELLOR OF THE EXCHEQUER.

NOTICE OF MOTION.

THE MARQUESS OF NORMANBY said, that before the Orders of the day were proceeded with he wished to give a notice for Monday next, and as the subject which he intended then to bring forward was of a somewhat peculiar character, he thought it would be more convenient to the House, as well as more fair to the noble Lord opposite, if he stated one word of explanation as to the ground on which he would bring the subject forward. He had been appealed to by persons who were much interested in the fair fame of a deposed Prince—the Duke of Modena—to vindicate his character from certain charges which for the last three months had been circulated through Europe, in the name and on the authority of a British Minister—the Chancellor of the Exchequer. That right hon. Gentleman referred to a publication as the ground of his charges. He (the Marquess of Normanby) had been furnished with a specific answer to each one of these charges. When he brought the matter forward he would have an opportunity of explaining to their Lordships the character of the publication in question, and he thought they would feel that the right hon. Gentleman would better have consulted the responsibility of his high position if he had not made those specific charges without inquiring a little more into their truth. He intended to move for a Copy or Extracts of any despatch relating to the Duchy of Modena from Her Majesty's Minister at present in Central Italy during the years 1855, 1856, and 1857. Their Lordships would feel that this was a very serious question when he told them that he was credibly informed that the Duke of Modena was quite horrified by the charges which someone's malignant imagination had made against him, and which had been so lightly adopted by a high authority, that he should consider himself as morally guilty of murder if the charges were true. If he could not bring on the subject upon Monday, he would postpone it to some subsequent day.

LORD BROUGHAM said, that as the character of the Grand Duke of Modena was attacked by the Chancellor of the Exchequer he hoped the noble Marquess would see that it would be much more conducive to the vindication of his Royal client, if his defence were made in the House where the charges were preferred. If the noble Marquess persisted in his notice, the Grand Duke would be defended where he had not been accused, and the Chancellor of the Exchequer would be attacked where he could not defend himself. He presumed that the object of the noble Marquess was partly to defend the Duke of Modena, and partly to attack the Chancellor of the Exchequer.

THE MARQUESS OF NORMANBY said, he would have taken the advice of the noble and learned Lord if his opinions on these subjects had been what they all admired ten years ago. If there was any irregularity in the Duke of Modena being defended in one place when he was attacked in another, it rested with the Chancellor of the Exchequer, who had brought a wanton accusation against a deposed Prince upon authority which was unworthy of credit. The attack was uncalled for, as it had nothing to do with the subject under debate when it was made by the Chancellor of the Exchequer, and it went forth to the world as having the sanction of Her Majesty's Government. He should not take the advice of his noble and learned Friend, but should defend an absent and otherwise defenceless person, who had been driven from his country by the arms of a neighbour.

LORD BROUGHAM rose to address the House, but desisted on cries of "Order."

EARL GRANVILLE said, that if it was a question of Order, the noble Marquess was most open to reproof, in having used the opportunity of giving a notice to make rather detailed statements, and in giving a notice that a week hence he would deliberately commit the very disorderly act of making a speech in reference to a speech which had been delivered in "another place."

THE MARQUESS OF NORMANBY, amid continued cries of "Order" said, that he gave the notice with the explanation he had added, in order to give the colleagues of the Chancellor of the Exchequer some idea before hand of the subject to which he meant to refer.

SUBDIVISION OF DIOCESES BILL.

Order of the Day for the House to be put into a Committee read.

LORD LYTTELTON moved that the House do go into Committee on the Bill, and said that it had come down from the Select Committee so altered that not one of the original clauses remained. Still, however, the substance and scope of the measure remained, and what was new consisted for the most part of restrictions on the operation of the scheme. To some of the new clauses he had a strong objection, and which he hoped to get altered. He was not very sanguine, owing to the lateness of the Session, and the pressure of business in the other House of Parliament, that the Bill would become law in the course of the present Session, but, nevertheless, it was, he considered, of the greatest importance in reference to future legislation upon the subject that their Lordships should pass this Bill.

THE BISHOP OF LONDON said, that the Bill had been referred to a Select Committee under very singular circumstances, a distinct understanding having been entered into with the noble Lord that the measure should be entirely remodelled. The great difficulty he had with regard to the Bill was his great respect for the noble Lord who had devoted great time and attention to the subject with a most sincere desire to arrive at a good result. He could not, however, say that that good result would be found embodied in the present Bill—in fact, he should have distinctly opposed its further progress had he not been to some extent concerned in remodelling it in the Committee. Some good result might, perhaps, arise ultimately out of the discussions that had taken place; but in fact, without any offence to the Mover of the Bill; he grieved to say that he must look upon it at present as little better than a sham. It seemed to be based on a joke, to which he had before alluded, attributed to the noble Viscount at the head of the Government, who, when he was waited on by a deputation, said that if people were willing to pay for Bishops he did not see why they should not have them. This measure appeared to go upon that principle. Under the Bill if any body of persons could get together some £120,000 they might have a Bishop for their money. If this matter were postponed for another Session there might be a chance of some useful legislation being obtained, but there was not the remotest chance of this Bill passing the House of Commons. The original Bill was a revolutionary Bill and it was with great qualms of conscience that the right rev. Bench had voted for the second reading, with the understanding that it would be greatly changed in Select Committee. It proposed that the Ecclesiastical Commissioners should have the power of altering the existing constitution of the Church of England. When a vacancy took place in a See, it was to be referred to the Ecclesiastical Commissioners whether they would chop up the See into a number of little Sees, and the income into a number of little incomes, and so alter the whole Parliamentary arrangement that was come to twenty years ago. He had a great respect for the Ecclesiastical Commission, of which he was a member, but even ecclesiastical bodies were liable to be governed by one or two members, and he was scarcely prepared to admit that the noble Earl at the head of the Commission (the Earl of Chichester), or, it might be, its estimable Secretary should have the power of remodelling the Church of England. The Ecclesiastical Commission was thus called in to avoid an appeal to Parliament on the erection of each new See: but the evils of an appeal to Parliament in such matters might be exaggerated. The Church could never maintain her position in this country unless she carried with her the sympathies of the people, and where else could she gather the expressions of that sympathy better than by looking to the representatives of the people? On this account he had never feared, as some did, discussions in the other House of Parliament. Many disagreeable things might be spoken there, but unpleasant sayings never left any sting behind them unless there was some truth in them. He, therefore, would prefer that whatever changes were made should be made by the Legislature, and that the whole case should be laid before Parliament. But not only did he feel a difficulty with regard to the mode in which the noble Lord proposed to make these changes, but he felt that the changes themselves were not desirable as originally proposed in the Bill. He did not think it desirable greatly to multiply the number of Bishops. Two of his right rev. Friends had got into some disgrace with a noble Duke opposite for saying that it would be possible to over-govern a diocese; but he believed they spoke nothing but the truth. It did not do to be perpetually interfering with the clergy; men would perform responsible duties better for being left more to themselves. The very size of the present dioceses generally was a guarantee that their administration would be such as the government of free and intelligent men ought always to be. Some nine months ago he wrote to the noble Lord pointing out to him that this Bill was not the one thing needed in the Church of England. There were principles in the Bill which might be dangerous to legislation at some future period. He was one of those who voted in the Committee that no portion of the funds belonging to the Ecclesiastical Commission should be applicable to these new Sees; and he did so because these new Sees were to be the creation, not of Parliament, but of Ecclesiastical Commission itself. An increase in the number of Bishops might be imperatively necessary at some future time—the result of the census might show it to be necessary; but by laying it down in this Bill that the common fund of the Ecclesiastical Commissioners should not be applicable for this purpose Parliament would be tying its hands from what might be then a very useful course. What he thought the Church of England wanted was not a multiplication of her machinery, but an increase of its working power. There were many parts of the Church system which might be made much more efficient than they now were. For example, he desired to see the deans of cathedral churches put into such a position as would give them the power of being more distinctly useful than they were at present. The reason why the public now grudged to these dignitaries their small incomes was that the duties which they were called upon to perform were not understood. As it was their position was one of great honour, but their duties were not distinct, nor did they receive incomes on which they could maintain their position. If, by being made suffragan Bishops, or by any other plan, they were enabled to perform useful work, the public would not grudge them the means of properly maintaining their position. With regard to the Archdeacons, they should have stalls in our cathedral churches. In this way alone £4,000 a year would be saved in the expenditure of the Ecclesiastical Commission, and this sum might with the greatest propriety be employed in founding a new See. Above all, he believed, that what was most wanted in the Church of England was some reform of her ecclesiastical law. He wished to see some check put upon the ruinous expenditure by which the discipline of the Church was at present maintained, and upon the length of time during which these cases hung undecided. Suppose a clergyman to be accused of some grave offence; suppose him to be tried, and the case to go lingering on from September, 1859, to the end of July, 1861—was this fair either to the accused or to the Church? If he were guilty, what a miserable state of things it was that for two years he should be able to resist the power of the Church of which he was a member; and if he were innocent, how unjust that for the same space of time he should be exposed to the annoyance, the vexation, and the harrassing anxiety of an undecided lawsuit? How could he after that time recover his character or his position in the Church? Then, with regard to the costs of these suits, it had pleased Parliament to make the revenue of the See which he held sufficient to bear such expenses, but there were other less amply endowed bishoprics as to which it was felt to be a very hard thing to cast upon them the burden of maintaining the discipline of the Church. These were serious evils in the present system of the Church, and he wished for serious legislation respecting them. He did not desire to vote against the present Bill, but he could not vote in its favour, nor could he with confidence recommend their Lordships to pass such a measure.

LORD OVERSTONE (who was almost inaudible) was understood to say that it was an auspicious day for the Church of England when her Bishops addressed themselves to their Lordships with the ability, the good sense, and the conciliatory temper which had just been exhibited by the right rev. Prelate. So long as the Bishops of the Church maintained such a spirit and tone he felt confident that, whether their number were multiplied or restricted, they would continue to preserve the respect and to command the influence which it was so desirable they should possess. As to the decision of their Lordships upon the Bill now before them, that was a secondary matter. But after having given this subject much and anxious consideration he joined the right rev. Prelate in expressing an earnest hope that the noble Lord would withdraw this measure. The Bill could not in any case progress beyond their Lordships' House in the present Session, and was it wise or dignified to press it further under these circumstances and with this prospect? He believed the ultimate accomplishment of the object which the noble Lord had at heart would be best promoted by the withdrawal of the Bill.

Lord LYTTELTON thought the noble Lord could hardly be serious in pressing him to withdraw the Motion for going into Committee on this Bill. The Select Committee which had considered this subject had not reported that it was undesirable to proceed with the Bill, and it was entirely out of his power to accede to the suggestion now made to him. As to the remark that there was no probability of the measure passing in the present Session, that was perhaps true; but he thought it a great advantage that a Bill should pass through one House of Parliament, even if it were not accepted by both.

The Duke of MARLBOROUGH also objected to the further progress of this measure at the present time, but not for the reasons urged by the right rev. Prelate, who, he thought, had misstated or misunderstood the case. The measure had been introduced in their Lordships' House not as a means of evading popular opinion, but because, looking to the vast amount of business which occupied the attention of the other House, the subject of the increase of the Episcopate was not likely to receive the attention which its importance demanded. It was very desirable that a general measure of this character should receive the sanction of the Legislature for another reason. If new Sees were to be created it was necessary that the funds for their endowment should be provided by voluntary contributions. The right rev. Prelate had adverted to this, and quoted an admission of the noble Lord at the head of the Government, that if the people desired more Bishops, and were rich enough to pay for them, there was no reason why they should not have them. It seemed to him that the right rev. Prelate endorsed the opinion of the noble Lord; its principle was embodied in the provisions of this Bill. But if the people were to be called upon to endow those new Sees out of their own voluntary contributions, then it was highly desirable that some such measure as this should have previously received the sanction of the Legislature, in order to give full effect to the purposes for which the funds were contributed. It was impossible to suppose that the large sum of £120,000 would ever be raised—which must be raised to provide an endowment for every one of the new Sees—if, after all the trouble and self denial connected with raising the money it were still to remain uncertain whether the See itself would receive the sanction of the Legislature. He also understood that the principle of this measure was in accordance with the opinion of the members of Her Majesty's Government, for he remembered on a former occasion that the noble Duke at the head of the Colonial Department said that the sub-division of dioceses ought not to be dealt with piecemeal, but that there ought to be some general measure applicable to the whole country. Now that was very much the ground on which this measure proceeded, and it was founded on the recommendations of the Cathedral Commission of 1857. His noble Friend had bestowed much care and attention in preparing the measure in accordance with those recommendations, and nothing, therefore, could be more natural than that his noble Friend should be anxious that the Bill should pass. For himself he was very anxious that the measure should pass; but he would be guided very much by the course which the noble Lord himself intended to pursue under the present circumstances. If his noble Friend did not think that there was a chance of the Bill passing the other House of Parliament, then it would be matter for the consideration of his noble Friend whether he would think it right to pledge their Lordships' House to all the provisions and details of this Bill. He laid the more stress on this advice, on account of one of the provisions in this measure, which was inserted in accordance with what they were told was the opinion of the country—though he, for one, hoped the time was not far distant when the Parliament and the country would think it right to reconsider the question—he alluded to the provision that no part of the common fund of the Ecclesiastical Commissioners should be applicable to the endowment of the new Sees. He should not oppose that proviso, though he thought he could give good reasons why it should not be adopted. He believed his noble Friend himself did not approve of the clause, but had agreed to its insertion from the impression that otherwise it would not pass in the other House of Parliament. But if it was not likely to pass the other House on other grounds he thought it would not be wise to pledge their Lordships' House to that opinion.

The Duke of NEWCASTLE said, the noble Duke had quoted quite correctly an answer which he gave last summer, when he was asked whether the noble Lord at the head of the Government would not suspend the appointment to the then vacant See of Rochester, to allow time to consider whether the diocese should be subdivided. He then stated his opinion that it would not be desirable while the See was vacant to enter into new arrangements. He was not, therefore, unfriendly to some measure—he would not say this precise measure—but to some measure of the kind now brought forward by his noble Friend. But after the appeal which had been made to him by the noble Duke) who, was a much more decided supporter of the Bill than he (the Duke of Newcastle) was, he could only hope that his noble Friend would not press the measure further on the present occasion. With the feeling evinced on all sides he could not but fear that further discussion at the present time would be rather prejudicial to the objects his noble Friend had in view. He would only say, further, that he could not concur in the opinion of the noble Duke, that the time might come when it would be thought desirable that the common fund should be applied to the endowment of episcopal Sees. He was of opinion that such an application of the fund would be most pernicious and improper.

Lord EBURY said, he felt very anxious on this subject, as he belonged to a diocese that was universally admitted to be too large for the charge of one Bishop—he meant the See of Rochester; and, therefore, he was in favour of the principle of the measure of his noble Friend. But there was a Resolution come to by the Select Committee which took away all the interest he ever had in the Bill, which was that no new bishopric should be constituted until such a sum of money had been raised as would be sufficient not only to provide a residence for the Bishop, but also for an annual income equal to the lowest amount prescribed for the existing Bishops by Act of Parliament—that was to say £4,200. That he thought was not likely to be done—not because the money could not be raised, but because the working clergy did not want an increase of that sort of Bishop; they wanted Bishops with smaller incomes; and, if he might say it without offence to the right rev. Bench, they wanted Bishops who would be nearer to themselves, and not Prince Bishops. He hoped this Bill would not be pressed. He knew from painful experience how galling it was to give up a measure on which much care, and even much affection, had been bestowed; but then the noble Lord must see there was no chance of passing the measure at the present time.

The Earl of MALMESBURY wished to add his persuasions to those that had already been pressed on the noble Lord to induce him not to proceed with the present Bill. He would not have ventured to give an opinion on the subject, if it had not been for the observations made by the noble Lord himself. The noble Lord considered that great benefit would arise to the cause which he had so much and so zealously at heart if the Bill were to pass their Lordships' House; but, from what he had observed, it was uncertain whether it would pass their Lordships' House, and if it were likely so to pass, ought it to go down to the House of Commons, where the noble Lord had apparently made up his mind that it would either be rejected or dropped? Under these circumstances he ventured to urge on the noble Lord not to press his measure—a course which, however, he would hardly have ventured to take if he had not observed that the same advice was given to the noble Lord, not only by Members of the House generally, but more especially by those noble Lords who were equally zealous with the noble Lord himself in the promotion of the interests of the Church of England. He wished to point out to the noble Lord that he had already obtained one great and important object—he had had the question fully ventilated in the House and in the Select Committee, and he had obtained the opinions of those whose sentiments were of the greatest weight and value on all subjects of this nature. He inferred from the speech of the right rev. Prelate that the noble Lord would not have the support of the right rev. Bench on this question; and seeing this, and seeing also that other noble Lords who had occupied their whole lives with questions of this nature were averse to proceeding further, he put it to the noble Lord whether it would be wise to press his Bill.

Earl GRANVILLE observed that the House was naturally indisposed, from personal respect for the noble Lord who had introduced the Bill, to vote against it, but no single Peer who had spoken had signified his approval of it. Every Peer who had addressed the House, except the noble Lord himself, had either objected to the whole or to parts of it, or thought it was unadvisable to proceed with it this Session. For himself, he would be inclined to support a Bill emanating from a Select Committee, but after the discussion which had taken place and the almost unanimous opinion that had been expressed, he should feel it his duty, if the Bill were pressed, to vote against proceeding further with it at present.

Viscount LIFFORD was understood to say that unless all Bills for the benefit of the English Church were to be rejected in that House, their Lordships ought to read the Bill a second time. The speech of the right rev. Prelate (Bishop of London) came home to every true Churchmen. Four years ago a Bill for the Amendment of Church Discipline was brought in by the noble and learned Lord opposite (Lord Cranworth). The first Vote he gave in the House was in support of that measure, but it was opposed by every one of the Bishops. He trusted, however, that if the great labours of the right rev. Prelate (Bishop of London) permitted, he would himself introduce a Bill to enable Bishops at a smaller cost than £5,000 or £6,000 in each case to punish clergymen guilty of open immorality.

Lord LYTTELTON explained that he gave his support to the clause to which objection had been made, because he was assured that it was in accordance with general public opinion, which, however, he was not disposed to believe. He did not feel justified in withdrawing the Bill.

On Question—their Lordships *divided:* —Contents 11 ; Not Contents 68: Majority 57.

Resolved in the *negative.*

CONTENTS.

York, Archbp.

Bath, M.

Denbigh, E.
Haddington, E.
Powis, E.
Romney, E.
Dungannon, V.
Lifford, V. [*Teller.*]

Chichester, Bp.

Lyttelton, L. [*Teller.*]
Redesdale, L.

NOT-CONTENTS.

Westbury, L. (*L. Chancellor.*)

Newcastle, D.
Somerset, D.

Normanby, M.
Caithness, E.
Camperdown, E.
Cardigan, E.
Clarendon, E.
De Grey, E.
Ducie, E.
Ellenborough, E.
Ellesmere, E.
Granville, E.
Hardwicke, E.
Harrington, E.
Harrowby, E.
Lonsdale, E.
Malmesbury, E.
Manvers, E.
Mayo, E.
Shaftesbury, E.
Stanhope, E.
Stradbroke, E.
Wilton, E.
Winton, E. (*E. Eglinton*)
Bolingbroke and St. John, V.
De Vesci, V.
Falmouth, V.
Melville, V.
Stratford de Redcliffe, V.
Sydney, V.

Carlisle, Bp.
Ripon, Bp.

Abercromby, L.
Aveland, L.
Boyle, L. (*E. Cork and Orrery.*)
Brodrick, L. (*V. Middleton,*)
Camoys, L. [*Teller.*]
Carew, L.
Chelmsford, L.
Churston, L.
Colville of Culross, L.
Conyers, L.
Cranworth, L.
Dartrey, L. (*L. Cremorne.*)
De Tabley, L.
Digby, L.
Ebury, L.
Foley, L. [*Teller.*]
Fortescue, L. (*V. Ebrington.*)
Hamilton, L. (*L. Belhaven and Stenton.*)
Harris, L.
Lovel and Holland, L. (*E. Egmont.*)
Lyveden, L.
Minster, L. (*M. Conyngham.*)
Monteagle of Brandon, L.
Overstone, L.
Ponsonby, L. (*E. Bessborough.*)
Rivers, L.
Sheffield, L. (*E. Sheffield.*)
Silchester, L. (*E. Longford.*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Taunton, L.
Wensleydale, L.
Wodehouse, L.

LANDED PROPERTY IMPROVEMENT (IRELAND) BILL.—SECOND READING.

The Marquess of CLANRICARDE, in moving the second reading of this Bill, said, the object of the measure was to enable landlords who had already improved their land and farm buildings, to borrow money for the further purpose of erecting suitable dwellings for labourers. The Bill had met with no opposition in the other House of Parliament, and he did not anticipate any opposition to it from their Lordships.

The Earl of DONOUGHMORE said, the principle of the Land Improvement Act was to enable landlords to obtain loans for effecting improvements, such as thorough draining, the making of roads, and the like, which increased the actual letting value of the property. That was a perfectly fair principle as between the tenant for life and the person who was to succeed him, and it was only just that the money borrowed should be charged on the estate. The erection of labourers' cottages was not a description of improvements which increased the letting value of the land ; but, owing to the peculiar circumstances of Ireland, and the great want of decent dwellings for the peasantry there, he would not object to the extension of the Land Improvement Act to that country, in the direction intended by this Bill. At the same time, if their Lordships adopted the measure they ought to guard against this departure from a sound principle being drawn into a precedent, or extended to a class of improvements for which there might not be the same urgency.

LORD MONTEAGLE addressed a few words to the House which were not heard.

THE MARQUESS OF BATH thought the Government ought to take up the whole question. Act after Act had been passed until the whole law relating to land in Ireand had become one mass of confusion.

THE MARQUESS OF WESTMEATH said that there were no means provided for ensuring that the dwellings should be kept in repair after the land had been saddled with a debt for their construction. He should not oppose the Bill, but he had great doubts of its beneficial operation.

LORD TALBOT DE MALAHIDE admitted that the powers of the Bill, if injudiciously and improvidently applied, might be productive of many evils; but in the present state of Ireland great improvements were necessary and nothing could be done without enlarging the provisions of the Land Improvement Ates as was proposed by this Bill. He had inspected some of the improved dwellings in Ireland, and their state showed that the labourers appreciated the privilege of being clean and comfortable.

VISCOUNT DUNGANNON said, he would rejoice to see such a Bill passed into a law if it would be appreciated by the lower classes in Ireland; but he very much feared they were indifferent to improved dwellings, and these would never be kept in the necessary repair unless wholly at the expense of the landlords.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

OFFICERS OF RESERVE (ROYAL NAVY) BILL.—COMMITTEE.

House in Committee (according to Order).

Clause 1 (Power to Her Majesty to accept the Services of Masters and Mates of Merchant Service as Officers of Reserve to the Royal Navy), *agreed to.*

Clause 2 (Power of the Admiralty to enrol Officers of Reserve to Royal Navy),

THE EARL OF HARDWICKE rose to move the Amendment of which he had given notice, that officers of the merchant service who joined the Reserve should undergo the same examination before the same tribunal as officers in the Royal Navy. It might be said officers of the merchant service had already passed the examination prescribed by Act of Parliament, but the two services were so entirely distinct in the manner of conducting ships, their character, and discipline, and everything else, except the theory of navigation, that it was essential the same examination should be undergone by all officers. Merchant seamen were not true sailors—they were mere navigators who understood the propulsion of vessels by steam. They had no experience whatever in gunnery, and could not be entrusted with the firing of a ship's battery. All he asked was that the officers of the Naval Reserve should be subjected to the same examination as midshipmen in the Royal Navy. The noble Lord moved an Amendment at the end of Clause 2, to add the following words:—

"But before they can perform the executive Duty of Lieutenant aboard any of Her Majesty's Ships they are required to pass the same Examinations, and before the same Tribunals, as the Midshipmen of the Navy do before they are eligible for the Rank of Lieutenant."

THE DUKE OF SOMERSET entertained great objection to doing by Act of Parliament what could be done equally well by Regulations sanctioned by Order in Council, because the latter could be more readily and effectually adapted to any altered circumstances of the case. He was anxious not to excite the jealousy of the officers of the Navy, and at the same time he was anxious to secure the services of the officers of the merchant service; and he, therefore, thought the Bill should be, as far as possible, of a general character, and that the details of the scheme should be left to Regulations and to Orders in Council. He was very unwilling to fetter the discretion of the present or any future Board of Admiralty on the subject. The examination of masters in the mercantile marine was as strict as that in the Navy, although it was quite true that it did not include gunnery. It was no doubt very desirable that officers of the merchant service should understand gunnery; but, in spite of their deficiency in that respect, should any emergency arise their services would still be of great value on board of steam-vessels, in which they must recollect any future war would be chiefly carried on. The simple truth was that the Admiralty could not do without them. If a war broke out they would be obliged to call in their assistance; and it was of great importance that they should avoid exciting any ill feeling among them by unnecessary restrictions. Care would be taken to drill them well in gunnery, and he had no doubt that before long they would themselves come forward and offer to prove their competency by undergoing examination. He trusted that the noble Earl would not press his Amendment.

THE EARL OF ELLENBOROUGH: I agree with the noble Duke that nothing should be done by an Act of Parliament which can be done as well by an Order in Council, and, therefore, I am somewhat surprised that this Bill should have been brought in at all, inasmuch as sufficient power already exists in the hands of Her Majesty to effect that which the Bill aims at doing. It is unquestionably not expedient to fetter the discretion of the Admiralty as to the application of our naval resources; I believe, moreover, that if you require officers of merchant ships, before you accept their services, to prove by examination that they possess the same qualifications as midshipmen, you will not get a man to come forward, for they will deem it derogatory to their dignity and position. I am, however, glad to see this measure brought forward, because I am glad to see a determination on the part of the Government to make preparation in time of peace for a war which I have always regarded as inevitable, and which may come upon us no one can tell how soon. It is not sufficient to have your preparations ready at the end of the first six months of the war—you must be ready for the first six days of the war. Whenever war, unfortunately, does break out, you may depend upon it that preparations will have been made for it long beforehand by the enemy, who will be ready for immediate action and invasion; and it will be within the first few days of the war that we shall require the help of all our reserves. I am therefore, most anxious, as we have neither sufficient officers nor men, that measures should at once be adopted to prepare for the worst. We must bear in mind that without some special training merchant officers are not fit to walk the deck of a man-of-war. They may know navigation, but practically speaking that is of little importance,—what is required of them is a knowledge of gunnery, and a knowledge of steam and its management. It is, therefore, very desirable—indeed, absolutely necessary—that the Government should afford to the gentlemen of the merchant service the opportunity of becoming proficient in gunnery as practised on board of war ships, and of learning the practical application of steam to naval purposes. When they have satisfied the Government that they are able to execute the duties of naval officers, then let them acquire the rank and receive all the respect which accompanies it. I do not apprehend that any captain would venture to place an officer fresh from a merchant ship in command of a watch on board of a man-of-war. I do not expect that these gentlemen whose services we are anxious to secure will be employed, nor do I think that they ought to be employed, in large men-of-war. Naval officers, who know the discipline of the Navy, and whom men-of-war's men respect, are the only officers who can exercise authority on board large ships. But the service of these gentlemen will be inestimable in the command of gunboats and of small vessels engaged in the protection of our coasts. The Naval Coast Volunteers, whose services are limited to a certain distance from the coast, and many of whom are not seamen but merely men living on the seashore, may be usefully employed under these commanders. I believe there are 110 gunboats not in commission. They would require 220 officers and 5,500 men. Here we should find the men who would willingly obey these officers, and the officers in these small commands would practically learn a great portion of their duties and become excellent officers of the Navy if the war was continued. I consider these gentlemen in the light of officers of a Reserve of Volunteers rather than as officers of the regular Navy. Whatever they may desire in the way of rank we shall be willing to give them, but it should be rank in the Naval Volunteers, and not rank in the Navy. I have no prejudices, but I respect the prejudices of others, and I should be extremely sorry if anything were done to hurt the feelings of any officer. I think that this measure may be so worked with discretion as not to injure the interests or affect the feelings of any naval officer in Her Majesty's service. I think it may be so managed as to produce the greatest possible good by providing in time of peace for the instant emergency of the first outbreak of war. It is for that emergency that we must provide. I hope the noble Duke and his successors will constantly bear that in mind, and make provision for naval defence in time of peace; as, should they not do so, I know not what calamity might be brought upon us in the first week of a war.

Amendment *negatived:* Bill *reported*

without Amendment; and to be read 3ª on *Thursday* next.

House adjourned at a Quarter-past Seven o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, July 2, 1861.

Minutes.] New Writ Issued.—For Durham City, *v.* Sir William Atherton, Attorney General.
Public Bills.—1° Landed Estates (Ireland) Act (1858) Amendment; Landlord and Tenant Law Amendment (Ireland) Act Proceedings; Drunkenness (Ireland).
2° Courts of Justice Building Act (Money).
3° East India (High Courts of Judicature); London Coal and Wine Dues Continuance.

PAROCHIAL AND BURGH SCHOOLS (SCOTLAND) No. 2 BILL.

COMMITTEE.

Order for Committee read.

Mr. BLACK said, that he did not object to go into Committee on the Bill, but he did not think it would afford a satisfactory settlement of a subject which had been contested in Scotland for a long time. What was desired was a national sectarian system of education, and he did not think the Bill provided it, inasmuch as it declared that the teaching in the schools should be according to the Shorter Catechism, which set forth the doctrines of the Presbyterian Church. The Church of Scotland, the Free Church, and the United Presbyterians would, no doubt, be satisfied with the Bill, because they got in it all they wanted. But there were some smaller bodies who would not be satisfied. It had been said it was a step in the right direction, but in his opinion it was a complete obstacle to further progress. He should not oppose the Committee, but he wished to express his dissatisfaction with the measure as it now stood.

House in Committee.

(In the Committee.)

Clause 1 (Interpretation of Terms),

Mr. MURE said, he would move an Amendment to the effect that the word "heritors" should mean persons qualified under the Act of 1803.

Mr. BUCHANAN said, that by the Bill they were changing the payment of schoolmasters from so many merks Scots to pounds sterling, and he thought some change should also take place in the designation of heritors, whose qualification was an absolute one of £100 Scots, a kind of money that no longer existed.

Mr. MURE said, he thought they should adhere to the definition laid down in the Bill of 1803.

The LORD ADVOCATE said, he hoped the Amendment would not be pressed. There was not the least doubt as to the meaning of the word, and he would take care that the Bill should be made perfectly clear.

Mr. MURE said, he was willing to accept that promise, and he would withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 2 (Salaries of Schoolmasters),

The LORD ADVOCATE said, he wished to move to insert words which would make the *minimum* salary £35, instead of £30. The Bill provided only how much the heritors should have to pay, but did not intend to limit the salary to so low a sum. The *maximum* he should propose would be £60, but he would prefer to make it £70, and as that *maximum* was at the option of the heritors the sum would not be extravagant.

Mr. BLACKBURN complained that no grant was given to the parish schoolmasters out of the general educational fund.

Mr. G. W. HOPE said, he thought the salaries of the schoolmasters should be in proportion to the number of pupils they had.

Mr. E. P. BOUVERIE was very much of that opinion. He knew a case in which a school was endowed with salary to the amount of £600 a year, and the master, in order to get quit of the scholars, used to flog all new-comers severely, so that in time the school was deserted.

Amendment *agreed to.*

Mr. E. P. BOUVERIE proposed, as an Amendment, that the *maximum* salary should be £70.

Mr. DUNLOP said, he would suggest that it should be £80.

Amendment *agreed to.*

Mr. MURE proposed that £50 should be substituted for £40, and £80 for £60, in cases where there might be more schoolmasters than one.

Amendment *agreed to.*

Mr. BLACK proposed to add to the end of the clause words that would enable proprietors and occupants, as well as heritors, to discharge all duties performed by heritors.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clause 3 (Salary to be fixed by the Heritors and Minister, and to be payable in money at the terms and under the conditions now in use),

Mr. DUNLOP proposed to insert a series of Amendments making the salaries of the schoolmasters payable by the parties liable according to the real annual value of their lands as appearing in the yearly valuation roll made up under the recent Valuation Act, instead of, as at present, according to the old "valued rent." That was a valuation made in the reign of Charles II., and not at all applicable to the present state of things. The payment should be based on the rental as at the time of payment, and not on the rental which the lands yielded two centuries ago, since when the proportionate value of properties had totally altered. The first of these Amendments would merely be to provide for the payment of the salaries half-yearly "by equal portions," but he would take the sense of the Committee on the whole plan by moving the insertion of these words.

The LORD ADVOCATE said, he did not wish to counteract the view taken by the hon. Member for Greenock, but as his hon. Friend had not said how his proposal was to be carried into effect, he suggested that he should withdraw his proposal in the meantime, and bring up a clause in the Report by which the mode of carrying out the new valuation in the case of schools might be determined.

Amendment, by leave, *withdrawn.*

Mr. MURE said, he would propose to add words giving power to heritors holding one-third of the valuation of a parish to call a meeting to fix the salary of the schoolmaster when a vacancy took place, in the event of the minister delaying or refusing to do so.

Amendment *agreed to.*

Clause, as amended, *agreed to,*

Clause 4 *omitted.*

Clause 5 *agreed to.*

Clause 6, (Heritors may provide retiring allowances to Schoolmasters),

Mr. MURE proposed to add words to the effect that on a schoolmaster being reported by an inspector of schools and by the Presbytery as infirm or unequal to the discharge of his duties, the heritors and minister might call on him to resign or dismiss him, and should have power to grant to him a retiring allowance of not less than two-thirds of his salary.

Clause *omitted.*

Clause 7 (Examination by Examiners appointed by the Universities to come in the place of the examination by the Presbytery),

Mr. DUNLOP thought that a Board of Examiners, consisting exclusively of University professors was deficient in one essential element, that of parties conversant with the practical business of teaching in schools, and he proposed an alteration which would have the effect of substituting for two of the professors two members of the Educational Institute of Scotland on the Board of Examiners.

The LORD ADVOCATE said, he regretted that he could not consent to the Amendment, not because he had any objection to give the power proposed to the Educational Institute, but because it would interfere with the principle that the examining body should be connected with the Universities. He wished to see the schools of Scotland affiliated to the Universities of Scotland, and though he had the very highest opinion of the Educational Institute he did not see that their services could be made available in this case.

Mr. DUNLOP said, his Amendment would leave the selection of the examiners in the hands of the Universities, and he, therefore, could not see that there was any force in the objection taken by the learned Lord. He would, however, add to his Amendment the words "being graduates of the University."

Mr. G. W. HOPE said, he objected to the examination of schoolmasters being placed in the hands of a voluntary body like the Educational Institute.

Mr. MURE said, he thought it would be of importance to introduce into the Examining Board persons practically acquainted with teaching.

The LORD ADVOCATE said, that if his hon. Friend the Member for Greenock allowed the matter to stand over, he would endeavour to introduce a clause on the Report which would give effect to what might be called the practical teaching element in the examination.

Amendment, by leave, *withdrawn.*

Mr. BUCHANAN said, he proposed to leave out the words "licentiates of the Church of Scotland," and insert "Presbyterian Churches in Scotland." In appointing the examiners they should avoid sectarianism as far as possible.

The LORD ADVOCATE said, he must oppose the Amendment.

Sir ANDREW AGNEW said, he would rather leave out the latter part of the clause specifying what class of persons should be appointed.

Amendment, by leave, *withdrawn.*

Mr. MURE proposed words to the effect that a Professor in the Faculty of Divinity, or the deputy nominated by him, should always be one of the examiners.

Amendment proposed, in page 4, line 36, after the word "number," to insert the words "of whom a Professor in the Faculty of Divinity, or the Deputy nominated by him, shall always be one."

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 31; Noes 58: Majority 27.

Mr. DUNLOP objected to this which would practically give a veto on the passing of any candidate to the Professors of Divinity.

Amendment *negatived.*

Clause *agreed to,* as was also Clause 8.

Clause 9 (Parochial Schoolmasters not to be required to sign confession of faith or formula but to make a declaration, and to undertake to conform to the shorter catechism),

Mr. BLACK said, that he had the strogest objection to that part of the Bill, by which a test was imposed upon schoolmasters. He was no party to the compromise by which the Bill had been introduced; but this he thought was the sting of the whole. No man had a right to impose a test upon another, and in that case not only was the principle a bad one, but other safeguards of religion were provided. Not only was a test wrong in principle, but it was dangerous and mischievous in practice. He moved the rejection of the words by which the test was imposed.

Mr. ADAMS said, he also opposed the imposition of a test. It had been proved that they could get good religious teaching without tests, and he believed that the feeling of Scotland was gradually rising against them. At the same time he hoped his hon. Friend would not endanger the Bill by pressing his Amendment to a division.

Captain CARNEGIE said, he also opposed tests, but he hoped the Amendment would not be pressed.

The LORD ADVOCATE said, he must appeal to the hon. Gentleman not to divide the Committee. He agreed in every word which had fallen from him as to the uselessness of tests; but he well knew what was the fate of Bills that had been sent up from the House without the test, and he begged him, therefore, to allow the compromise to be effected.

Mr. KINNAIRD said, he would likewise urge the hon. Member for Edinburgh not to press his Amendment.

Mr. BLACK said, he found plenty of hon. Members to agree with him, but as they would not vote with him he would very unwillingly withdraw his Amendment.

Amendment, by leave, *withdrawn.*

The LORD ADVOCATE said, he proposed that the following additional declaration should be taken by schoolmasters previous to entering office—

> "And that I will not exercise the functions of the said office to the prejudice or subversion of the Church of Scotland as by law established, or the doctrines and privileges thereof."

Sir EDWARD COLEBROOKE said, he objected to the introduction of the words.

Mr. BLACK said, he would not have withdrawn his Amendment had he thought that the evil of the test was to be aggravated in the way now proposed by the Lord Advocate. He would divide the Committee on the proposal.

The LORD ADVOCATE said, he could not consent to the withdrawal of the words. He had only to say that the withdrawal of these words would be tantamount to the withdrawal of the Bill altogether, as he could not see the possibility of carrying the Bill without them.

Mr. CAIRD suggested that the hon. Member for Edinburgh should divide upon the next Amendment, which was far more important, as it referred to the tribunal by which schoolmasters were to be judged.

Amendment *agreed to.*

The LORD ADVOCATE said, he would then propose to insert the following words—

> "And the wilful contravention by any schoolmaster of the said declaration shall be considered and dealt with as neglect of duty under the provisions of the said recited Act; provided always, that it shall not be competent to insist in any proceedings against any schoolmaster for such contravention without the consent of Her Majesty's Advocate being first obtained, on a representation to him by the heritors of the parish, and after such inquiry as he may think necessary."

Mr. DUNLOP said, that he trusted the learned Lord did not consider that the rejection of this Amendment would be tantamount to the rejection of the Bill, as he, and he believed many other Members would rather lose the Bill than consent to the Amendment as it stood, for its effect taken in connection with another clause which left the trial of schoolmasters for "neglect of duty" in the hands of Presbyteries, would be to make the Presbyteries of the establishment the exclusive judges of contravention of the declaration, for which they might depose schoolmasters from their office.

House *resumed.*

Committee report Progress; to sit again on *Thursday.*

RESIGNATION OF MR. BAGWELL.

QUESTION.

Mr. VINCENT SCULLY said, he would beg to ask the First Lord of the Treasury, Has the hon. Member for Clonmel offered to resign his position as one of the Lords Commissioners of Her Majesty's Treasury, upon the ground that Irish interests had been disregarded by the present Administration, and has such offer been finally accepted; and if so has the vacancy so created been filled up; or is it intended to fill it, and when?

Viscount PALMERSTON: Sir, I am very sorry to say that my hon. Friend the Member for Clonmel has resigned the office which he held as a Lord of the Treasury, and with great regret I have recommended that his resignation should be accepted. With regard to the reasons which have induced my hon. Friend to send in his resignation, my hon. and learned Friend knows full well that there is nothing so unparliamentary as to impute motives to any person. If he wishes to have a correct statement of the grounds on which the resignation was tendered, he had better apply to the hon. Member himself. The office will be filled up, and it is still open.

BANKRUPTCY AND INSOLVENCY BILL.

QUESTION.

Mr. HADFIELD said, he would beg to ask the Frst Lord of the Treasury, Whether it is intended to proceed with the Bankrupty and Insolvency Bill this Session, and on what day he will proceed, if such is his intention?

Viscount PALMERSTON: Sir, the Bill being one involving deep considerations, I cannot name any date for bringing it on until we have our Law Officer in the House, which I hope will be the case shortly. I have to state that it is the intention of the Government to proceed with the Bill.

COMMISSIONS IN THE ARMY.

QUESTION.

Sir HENRY STRACEY said, he wished to ask the Under Secretary of State for War, Whether there is any intention of rewarding those gentlemen whose names have been specially brought to the notice of the Commander-in-Chief for the great proficiency they have exhibited at the examinations for direct Commissions, by bestowing on them Commissions without purchase?

Mr. T. G. BARING said, there was no intention of bestowing upon those gentlemen Commissions without purchase. There were at present twenty gentlemen entitled to Commissions without purchase who were unable to obtain them.

THE WRIT FOR WAKEFIELD.

QUESTION.

Major EDWARDS said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of the Government to carry out the promise made by him (before the second division on Saturday last on the question that the Debate on the Wakefield Writ Motion be adjourned), to the effect that if the House reaffirmed its former decision, the Government would not oppose the issue of the Writ?

Sir GEORGE LEWIS: Sir, the offer which I made to the House on the occasion to which the hon. and gallant Member refers was not accepted, and, as he knows, it was not in my power to control the action of the House. When the Motion of which the hon. Member has given notice comes on for discussion the Government will state the course which they intend to take.

RATES ON GOVERNMENT PROPERTY.

QUESTION.

Colonel ROWLEY said, he wished to ask the Secretary of State for the Home Department, Upon what grounds he has declined to recommend to the Lords Commissioners of the Treasury the payment of Rates assessed on Government property in the parish of St. Nicholas, Harwich, similar payment having been granted to other parishes in which Government property is situated?

Sir GEORGE LEWIS stated, that the grounds upon which he recommended that the payment should not be made in the parish in question were that the proportion of the Government property, compared to the rest of the rateable property of the parish, did not appear to him to bring them within the rule which the Treasury applied to those cases.

BURIAL AND CEMETERY ACTS.

COMMISSION MOVED FOR.

VISCOUNT ENFIELD said, he rose to move an Address for the appointment of a Royal Commission to inquire into the effect of the several burial and cemetery Acts upon the position of incumbents of parishes and districts. He spoke not merely in the interests of the metropolitan clergy, but also of clergymen in different parts of England, who had been seriously affected by those Acts. Until the year 1850 the fees upon interments constituted a large proportion of the income of parochial clergymen; but, as burials within the City were prevented by the Metropolitan Interments Act, the Legislature, sensible of the great hardships which such an enactment would inflict upon the clergy, gave power to the Board of Health, under the 32nd to the 36th Clauses, to inquire into the effect which its operation would have upon their revenues. The General Board of Health caused an inquiry "to ascertain the facts bearing upon those claims" to be opened, and the clergy were invited to be examined and to state the amount which they had received in fees during the five years previous to the passing of the Act; secondly, their average annual receipts; and lastly, the amount which they claimed as compensation. A very voluminous paper was presented to the House of Lords, in which these claims, affecting 149 parishes, were set forth. In some cases £300, £400, and that of St. Giles in the Fields as much as £750, were claimed by the clergy. But in 1852, the Metropolitan Interments Act was superseded by the Metropolitan Burials Act, and the jurisdiction previously enjoyed by the Board of Health was transferred to the Home Office, and it accordingly rested with them to consider what compensation should be granted, and out of what funds the money could be obtained. Anxiety was then expressed that before the subject of compensation was taken up all city burial-grounds should be finally closed, and accordingly churchyards to the number of 200, or counting the country districts, to the number of about 700, were shut; but from that day to the present not a shilling compensation had been received by the clergy. It might be urged, in reply to the Motion, that there were no funds for the purpose; but, surely, when the Board of Health in 1850 ordered an inquiry into the subject, they must have had some funds in view as applicable to the purpose, or they would never have given clergymen the trouble of attending and proving their claims. In the Report of the Committee of the House of Lords, which met in 1858 to consider the question of the spiritual destitution of the Metropolis, especial reference was made to the subject of the Motion. The Report stated—

> "Burial fees to a great amount, constituting a very large part of the endowment of many incumbents, have been abstracted by the operation of successive Burial Acts. The consequence has been most lamentable; not only has it tended to impoverish many most laborious and deserving clergymen, but also as it has deprived them of the means of procuring help in the discharge of their pastoral functions in their crowded parishes. Reference to the Acts themselves, 13th and 14th of *Vict.*, cap. 52, and 15th and 16th of *Vict.*, cap. 85, shows that both of them alike recognize the incumbent's right, though both of them fail in providing the necessary means of compensation, and in giving due powers to enforce it. Still, the unhappy result of the defective provisions of the statute remains, and a very large part of the incomes of many of the poorest and most laborious of the London clergy has been, contrary to the intention of the Legislature, practically taken from them. It has been the just and honourable course of Parliament to secure compensation to all who have any reasonable claims to it for losses caused by any statute for the public good, and we cannot but express our great regret that no adequate means have as yet been devised of providing a remedy for this very crying evil, by securing that compensation."

The question of compensation was always a difficult one, but instances had occurred in which it had been granted on the abolition of the Six Clerks' offices, as well as to proctors, surveyors, and others whose pecuniary interests had been interfered with by the Legislature; he, therefore, thought enough had been done in that direction to justify his application, which was merely for inquiry into the case of these clergymen. The right hon. Gentleman the Home Secretary last year admitted that—

> "Great hardship had been caused by the loss of fees in the way referred to, and if any means could be devised, without making a charge on the funds of the Church, to make up incomes that had been so affected, he would be glad to give it his best consideration."—[3 *Hansard* clx., p. 208.]

Under all the circumstances, he hoped the House would not refuse to entertain the appeal which he had made on behalf of that useful, hard-working, and, in too many cases, but scantily remunerated body, the clergy, both of the Metropolis and of the country.

Motion made, and Question proposed,

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to appoint a Royal Commission to inquire into the operation and effect of the several Burial and Cemetery Acts in reference to the Incumbents and Ministers of parishes and districts in England and Wales, and to the amount of and mode of compensation, if any, to be provided for the loss of fees or other rights and privileges occasioned to them by the closing of Churchyards and Burial Grounds under the said Acts."

Mr. BROWN-WESTHEAD stated that from his personal knowledge he was aware that in several cases considerable hardship had been suffered by the clergy by the withdrawal of the fees they had been in the habit of receiving. Only that day he received a statement from a clergyman respecting a church which he had erected himself, in which it was stated that the burial-ground attached to the church formed for a length of time the principal means by which he was enabled to live and perform his duties as a minister. That was in a district of 10,000 inhabitants, and he had spent £8,000 of his own property in the purchase of the land and the erection of the church. The church cost far more than was anticipated, and the consequence was that there were legal encumbrances upon the church that required the payment of £300 per annum. Only the week before last the clergyman had applied to the Home Secretary for permission to continue burials in the churchyard for two years more, and a petition had been presented from the inhabitants of the district to the same effect. The permission had been accorded, but all the income which the clergyman derived was about £450 per annum; so that if he was deprived of the power of burying in his churchyard his income would be reduced to little more than £150 per annum. Yet if the land were capable of being brought into the market its value would be fully £20,000. Under these circumstances he could not but think that if these Burial Acts were to be enforced it was very desirable that some means should be provided for compensating the clergy for the loss they sustained by giving up the burial fees for the benefit of the public. He had complaints from other clergymen, stating that they had vaults which were not allowed to be used as places of interment, although they were fitted for that purpose. Land not consecrated, or such portions as were not occupied, might be sold. Clergymen complained that vaults under their churches, although not full, and covered over with solid arches, were not allowed to be used as places of interment, the consequence of which was a serious deduction from their income. Future incumbents would, of course, take their livings as they found them; but the present possessors were entitled to compensation for that which they gave up for the public good. At all events, they were entitled to an inquiry into their claims. He did not believe that the number of individuals entitled to compensation was large, and there was church property which might be made available for the purpose.

Mr. HADFIELD said, he believed that the case to which the hon. Member (Mr. Brown-Westhead) had referred was that of a Wesleyan minister who had joined the Establishment, and had—if he might use the term without implying any disparagement—speculated in church property. He did not think that a gentleman who found himself in the position of a loser under such circumstances should be permitted to charge his loss upon the funds of the country. The proposition of the noble Lord to extend the inquiry to England and Wales was full of objection, and he wished to know from Mr. Speaker whether it was competent to the noble Lord to alter his Motion without notice. If the words "within the bills of mortality" were reinserted, instead of the words now proposed by the noble Lord, he would make no objection to an inquiry; but he must protest against the funds of the country being fixed with any such compensation as that suggested. He knew cases in which the Dissenters could set up stronger claims to such compensation, but they would not think of doing so. The claim put forward by the noble Lord on behalf of clergymen of the Established Church was an unseemly, an unsightly, and an unworthy one. They asked for compensation for the loss they sustained in the burial of the dead. Their office was to cure souls while living, but the Constitution never invested them with an interest in the burial of the dead. It was really most objectionable to hear the disciples of—he would not use a sacred name—coming forward to claim compensation, not for the cure of souls living, but for the burial of those dead.

Amendment proposed, to leave out from the word "districts," to the end of the Question, in order to add the words "within the Bills of Mortality," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. NEWDEGATE said, the hon. Member who had just spoken took every opportunity of reflecting on those who, with himself and other members of the Church of England, held the opinion that the clergy ought to be maintained by legal provision, which was scarcely either fair, or charitable, since they did not attack the voluntary system of the Dissenters, which the hon. Gentleman represented. He had truly observed that the clergy were not clergy of the dead but of the living; but he had omitted to explain what was the real nature of burial fees paid on the occasion of the death of such member of a family, but applied to providing for the religious instruction of the survivors. They were a provision secured by law for the maintenance of the clergy. They were so regarded throughout the debates on the subject in 1850, and the justice of securing them or an equivalent by law was fully recognised. He remembered the exertions made by the right hon. Gentleman, the present Chancellor of the Duchy of Lancaster, who was at that time Secretary of State for the Home Department, to induce the House so to consider these fees, and not to consent to their alienation to enable companies to provide burial grounds beyond the limits of the Metropolis. No doubt it was necessary that those burial grounds should be provided; but, at the same time, that right hon. Gentleman would bear him out in saying that it was not the intention of the Legislature to deprive the clergy of so necessary a source of income. He (Mr. Newdegate) remembered being in repeated divisions in support of the right hon. Gentleman; and in all those divisions they were successful, maintaining the law by which burial fees or an equivalent were to be paid to the clergy, and determining that they ought not to be deprived of their maintenance because the burial grounds of parishes might have become over-crowded, and it was necessary that funerals should take place elsewhere. But, unfortunately, there was at that time a sanitary fever in the House; and a small minority of the House availed themselves of it, they imputed to the clergy a desire to keep their crowded churchyards as centres of disease within the Metropolis, and misrepresented the clergy as though thus really culpable; nay, so culpable as to be willing, needlessly, to perpetuate disease within the Metropolis, merely for the sake of maintaining their own incomes. These misrepresentations led to the infection of a gross injustice, for the effect was that, notwithstanding the exertions of the right hon. Gentleman and the determination of the majority of the House, the minority forced a compromise, the effect of which had been to deprive many of the clergy of the means necessary to enable them to employ curates for the spiritual teaching of the parishioners committed to their charge. It was a painful circumstance that though the Legislature had tried to remedy this evil, and although his right hon. Friend, the Member for Cambridge, had in 1852 introduced a Bill to remedy this evil, the remedy had entirely failed. By the Act of 1850, cemeteries were established round London in the hands of companies, in great measure on the credit of the fees, abstracted from the clergy. Of course, these were strictly commercial speculations, and it was the interest of those companies that no other burial grounds should be established. The Act of 1852 did this: it enabled parishes, if they thought fit, to establish at their own expense burial grounds for themselves, the fees for the burials in which should accrue to the clergymen of the parishes. But it must be obvious to the House that it was the interest of cemetery companies to prevent anything of the sort taking place; and the companies, accordingly, by appealing to the economical feelings of vestries, had prevented the Act being brought into operation, so as to enable the clergy to receive the emoluments which the Legislature thought essential to their maintenance and the spiritual instruction of the population. The whole matter had gone completely by default, and he (Mr. Newdegate) hoped, that the Government would do the justice of issuing the Commission, which would suggest means by which the House could repair an injustice it never willingly committed. He knew clergymen of parishes containing 130,000 and 150,000 inhabitants, where there were three churches and three burial grounds closed and where the clergy had been totally deprived of the fees which by Acts of Parliament had been declared legal and rightful sources of income for themselves and their curates. No cause of the increase of spiritual destitution in the Metropolis had been stronger or more lamentable than that caused by rendering it impossible for incumbents to multiply curates according to the increase of population. Those fees were not merely the income on which the clergy fattened in idleness, they were the means by which the services of the Church were brought into operation. The effect of the abstraction of that income from the clergy, from the Church, from the parishioners, was that in the great Metropolis parishes were left almost wholly destitute of that religious instruction, which was as necessary to make a good citizen as to fit him for hereafter. In Birmingham he knew cases of hardship quite as great as in the Metropolis, cases of injustice which the Legislature never intended to permit; and he trusted that, knowing these circumstances—knowing that the clergy were by law shut out from many sources of income which were open and available to ministers of other denominations; considering the enormous competition in those literary pursuits for which the education of the clergy so eminently fitted them; knowing their poverty, seeing the existing spiritual destitution and the impossibility of meeting it, either by the establishment of district churches or by the division of parishes, he hoped the House would excuse him for having strongly urged on the Government that they really would only be acting in furtherance of the intentions of the House of 1850, of the House of 1852, and he trusted of the present House also, if they issued a Commission to ascertain by what means those evils might be remedied.

SIR MORTON PETO said, he could assure his hon. Friend (Mr. Hadfield) that he had entirely mistaken the desire of his noble Friend (Viscount Enfield) if he supposed he wished to take this compensation out of the pockets of the people. In Finsbury, for example, estates would fall into the hands of the Ecclesiastical Commissioners in 1866 worth £40,000 per annum. The effect of the deprivation of income from the loss of funeral fees had been greatly to diminish the income of the rector of St. Luke's, Old Street, and many other estimable clergymen; and if a portion of this £40,000 were righteously taken from the Ecclesiastical Commissioners to make up the loss of income of these London incumbents, it would be employed not to enrich themselves, but to increase the spiritual provision for their flocks. He had no doubt other funds might be found available for the same purpose in other districts, and he should cheerfully support the Motion of his noble Friend.

SIR GEORGE LEWIS said, that the policy of the Burial Acts must be considered as having been deliberately adopted. The hon. Member for North Warwickshire had stated that these Acts were passed in a sanitary fever, and had implied that the decision of the House was surreptitiously obtained; but he must remind the hon. Member that that Legislation was preceded by inquiry and discussion, and that the Burial Acts were not one but a series of Acts, one altering and amending the other. The Legislation on the subject must, therefore, be taken to represent the deliberate opinion of both Houses of Parliament. The effect of those Acts, was, that the Queen, by Order in Council, might close burial grounds, might prohibit interments in churches, and might authorise parishes to appoint Burial Boards. These Boards might, out of the parochial funds, provide burial grounds in lieu of the churchyards thus closed; and with respect to these burial grounds the incumbent was placed in regard to fees and emoluments in precisely the same position in which he stood with respect to the churchyard. These burial grounds consisted in general of a consecrated and unconsecrated portion; and the incumbent certainly had no right to fees for interments in the unconsecrated portion. Owing to that circumstance, no doubt, there had been a very considerable diminution in the emoluments of the incumbents flowing from the source of burial fees. It was probable that many incumbents in London and other large towns had suffered a material diminution in their income. He deplored the circumstance, but it had been inevitable in consequence of the change in the law which the Legislature deliberately made. Several hon. Gentlemen had treated burial fees as part of the endowment of the Church, and the hon. Member for North Warwickshire had spoken of them as a fund for the maintenance of the clergy. If that were established some ground might be laid for the Motion under consideration, but he was by no means prepared to admit, but, on the contrary, disputed the doctrine that burial fees could be considered as part of the endowment of the Church, or part of the fund intended for the maintenance of the clergy. He considered burial fees as a remuneration for a special service. If that service was performed in a parish burial ground the clergyman still received precisely the same fees as before the change of law; but if, owing to altered circumstances, the parish clergyman did not perform the service he did not then receive the fees. If, therefore, the fees were considered as a remuneration for a service, then no claim arose for compensation, nor could the House be called on to agree to a Motion for the issue of a Commission, which proceeded on the assumption that there was a ground for compensation. If the House agreed to the proposition, it would affirm the principle that all incumbents, all ministers of every persuasion (for all congregations would be included possessing burial grounds and vaults in churches or chapels), were entitled to compensation, and it would leave the Commission to discover some fund from which compensation could be obtained. His noble Friend had referred to the cases of the Six Clerks and of the proctors compensated under the Probate Act, and seemed to point not indistinctly to the Consolidated Fund as the source from which compensation should come. Now, he was entirely adverse to the principle of making the Consolidated Fund responsible for any supposed claim for compensation arising from that cause; and he trusted that the House would not be disposed to agree to any Motion in which that principle was involved. Well, if that fund was not looked to as a means of furnishing compensation for this class of claims, he supposed that the fund which would be next applied to was that referred to by the hon. Member who last spoke—the fund of the Ecclesiastical Commission. That raised a very difficult question, because it was a suggestion to appropriate to a very limited class of the clergy a fund which the policy of Parliament had appropriated generally to the augmentation of the smallest class of livings; and though there might have been some cases of hardship from the change of law, there were many cases in which there had been no real hardship, and yet compensation would be claimed, if given at all, for both classes of cases. He presumed, too, if such a principle were admitted, that all persons, even Dissenting ministers and congregations, having suffered any loss from this source would be entitled to compensation from the funds of the Ecclesiastical Commission, and that would certainly be an unexampled mode of appropriating those funds. He could not believe that the House would sanction the principle of charging either the Consolidated Fund or the funds of the Ecclesiastical Commission for this alleged claim for compensation. If both these funds were set aside the only remaining source from which compensation could be given would consist in a charge on the parish rates. If a claim of the kind for the incumbent could be established it seemed to him that the parish rates would constitute the proper source to look to as the means of compensation; but in that case they would encounter the church rate question under another form. Inasmuch as he did not think it right for any Government or for that House to play fast and loose with a question of the sort, and to appoint a Commission to speculate on some possible fund from which compensation might be drawn, while it was known beforehand that there was no fund chargeable for the purpose without serious objections, he felt it his duty, though reluctantly—for he admitted that some cases of hardship existed—to oppose the Motion. If any hon. Gentleman supposed he could devise any means of providing compensation, the proper mode of proceeding would be to submit some distinct proposition to that effect.

MR. WHITESIDE said, the right hon. Gentleman had neither denied nor refuted the arguments by which the Motion was supported. The Legislature had interfered summarily with certain vested rights of the clergy, and the noble Lord proposed that the injustice committed should be repaired. That House had always given compensation in cases where by its legislation vested rights had suffered. He should give his cordial support to the Motion.

MR. ROEBUCK said, his right hon. Friend (Mr. Whiteside) had said that there was no instance in which wrong had been done by the Legislature without compensation having been given. He would give him one:—The introduction of railroads had materially diminished the funds belonging to the turnpike trusts, and yet no compensation was given in that case. He placed the clergy in the same category as persons who had lent money to turnpike roads, and whose incomes had in consequence been diminished. Therefore, unless a special case was made out on the part of the clergy, he said the House was not called upon to remunerate them for their loss.

MR. MALINS said, there were many parishes in England so slenderly provided that the incumbents were necessarily dependent on surplus fees, and, without wishing to give the slightest opinion as to what particular measure ought to be adopted under the circumstances of the case, he could not help thinking that Parliament ought not to refuse the proposal made by the noble Lord opposite, seeing that in the Act of 1850 the principle of compensation had been affirmed, and that that principle had not been carried into effect.

MR. BAINES observed that in the borough which he had the honour to represent several burial-places belong to Dissenting communities had been closed in the same way as those connected with the Established Church, and with the additional hardship that in the case of the former the grounds had been purchased at the cost, in some instances, of hundreds, and in some of thousands of pounds, by persons living at the time when the closing took place. Dissenting communities must, therefore, in all fairness, be held to have a claim for compensation, if the claims of the much richer communities of the Church of England were allowed. He was, however, of opinion that the Motion of the noble Lord was too extensive; that it rested on a wrong principle; and, that being his opinion, he should vote against it.

SIR GEORGE GREY said, the Act of 1850, no doubt, recognized the principle of compensation, for it provided that when any new burial grounds were purchased by the Board of Health, a fee of 6*s.* 6*d.*, in addition to the ordinary fees, should be paid upon the burial of every person in the consecrated part of the ground, and should be set apart for the compensation not only of the incumbents, but also of the clerks and sextons, and other persons injuriously affected; but the provision had been rendered nugatory, because, as the place of burial was optional, most persons had preferred the cheaper form of burial in unconsecrated ground, and no compensation fund had been raised. The right hon. Gentleman the Member for Cambridge University (Mr. Walpole), repealed the Act of 1850, and re-enacted provisions of a different character in the Act of 1852. That Act provided that where parishioners were buried in consecrated ground the clergyman should be entitled to receive the same fees as he would have received if the burial ground of the parish had not been interfered with. There had, he might add, been no failure on the part of he Government or of Parliament to carry out the provisions of the Bill, which he was, nevertheless, ready to admit might have operated hardly, under the circumstances of the case, on many incumbents. Burials were fewer in the substituted than they were in the original grounds, and from that cause certain incumbents might have sustained some loss. He believed, however, that in many cases arrangements had been made by which clergymen had become entitled to fixed annual incomes in lieu of the fees which they formerly received. At the same time, he had no doubt that there were some cases of hardship; but he hoped the House would not adopt the Motion of the noble Lord. That Motion was vague and uncertain in its character, and was calculated to excite indefinite expectations of compensation from a non-existing fund.

MR. HADFIELD said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, The House *divided.*

When the Tellers advanced to the Table to announce the result of the division,

MR. BRAND, addressing Mr. Speaker, said he had to report that, though the hon. Member for Dungarvan was in the lobby with the "Ayes," he had not been counted, not having passed through before the tellers left their places.

MR. SPEAKER: Was the hon. Member in the lobby intending to vote?

MR. MAGUIRE: I was, Sir.

MR. SPEAKER: Did the hon. Member hear the question put?

MR. MAGUIRE: I did, Sir, and I intended to vote for the "Ayes."

MR. SPEAKER: The name of the hon. Member must be added to the names of those who voted for the Motion.

Ayes 48; Noes 59: Majority, 11.

AFFAIRS OF POLAND.

PAPERS MOVED FOR.

MR. POPE HENNESSY:* Mr. Speaker, I have no doubt, Sir, that many Members of this House have read with interest two remarkable documents which appeared this morning in the principal organs of the daily press. I allude to an address from certain noblemen and gentlemen of this country to Prince Czartoryski, and to the reply of that venerable representative of the Polish nation. In this reply the Prince says—

> "It has given me pleasure to perceive that you have so thoroughly grasped the character of the

movement which at this moment agitates Poland. You have appreciated fully the spirit of order and moderation which marks it. Calm and strong in its justice, it had remained clear of all violence; destructive notions and revolutionary passions cannot be discovered in it, nor external influences. The contest is entirely on the field of right, and entirely pacific and moral. What Poland demands, what she expects, is support of the same character. The morality of Europe is now the point in question.

"The dignity, the honour, and the interest of England are bound up in this question of support; the right that she will vindicate is not only the right of Poland, but that of civilized Europe. In the midst of the grave modifications which international interests are undergoing, before the incessant complications of the Eastern question, there is an interest of vital importance to the civilized world, above all to England, of aiding in the reconstitution of a people whose ruin, a flagrant outrage of all laws, divine and human, has produced a profound perturbation in the moral and material condition of Europe."

Sir, these words of Prince Czartoryski explain and vindicate the course I now presume to take. I have endeavoured to comprehend the Continental policy of Her Majesty's Government; I have endeavoured to trace the origin of "these grave modifications which international interests are undergoing;" and I have sought for some clue to "the incessant complications of the Eastern question;" but I find it impossible to touch upon any branch of foreign affairs, more particularly upon anything relating to the Eastern question, without feeling that our ignorance of English policy in relation to Poland is a barrier in the way of our arriving at the truth. These reasons, therefore, in addition to the immediate interests of that heroic people whose patriotism burns so brightly and steadily to-day, furnish, I venture to hope, a fair excuse for calling the attention of the House of Commons to the affairs of Poland. In dealing with this subject there are two principal points to be considered—the partition and the incorporation of Poland—and it is to the incorporation chiefly that I wish to direct attention. The people of England seem to be under the impression that in showing sympathy for the Poles we have to encounter the combined hostility of the three great Powers—Russia, Austria, and Prussia—among whom Poland was originally divided; but that is not the case. Indeed, so far is this from being the fact, that, at various times, one or more of these great Powers expressed genuine sympathy and tendered active support to Poland, whilst England was either silent, or, if active, active as an agent of oppression. When Poland was partitioned, England was silent. Two European Powers only protested against that crime: the Sovereign Pontiff protested against it, and the Head of the Ottoman Empire protested against it. These were public protests of Sovereigns representing two powerful and opposite interests. Second only in importance to these, and, in some respects, even more significant, was the private protest of the Empress of Austria. She was forced to bend under the influence of the Russian Court and the authority of her own servants. Monarchs have often yielded to the dictation of their Ministers; but there is no more painful instance of Ministerial power in the history of Europe than that which compelled Maria Theresa to sanction the partition of Poland. On the instrument announcing the complicity of Austria she wrote with her own hand these words—

"Placeat, because so many great and learned men will have it so; but long after I am dead and gone, people will see what will happen for breaking through everything holy and just.

(Signed) "MARIA THERESA."

In a letter to her Minister, Kaunitz, she asked what they would gain by receiving a piece of Poland or Wallachia in return for their lost honour? On another occasion she said that she had brought a great stain upon herself; but that she would be pardoned if her extreme repugnance to the measure had been generally known. As far as the Poles themselves were concerned, the Protocols of partition were but pieces of waste paper. What the pen of the diplomatist failed to do, the sword of the Cossack failed to do. Treaties had been signed, and blood had been shed, but the spirit of Poland was still living; and, when the termination of the great wars of Bonaparte involved a settlement of Europe, the Polish question rose at once to the surface. In 1814 one of the first subjects discussed by the Allies was Poland. Russia was then desirous of making a Russian province of Poland; but Lord Castlereagh not only recognized the justice of the claims of the Poles, but was also fully alive to the importance of making Poland a strong barrier to Russia. This Conservative statesman, writing to the Chancellor of the Exchequer, Mr. Vansittart, from Vienna, on the 11th of November, 1814, said—

"If His Imperial Majesty (of Russia) shall change his tone, and make a reasonable arrangement of frontier on the site of Poland; if he shall allow the other European arrangements to be equitably settled, including those of Holland, and alter his tariff besides, then I must come upon you for my pound of flesh (meaning the Russo-Dutch loan, that is, England taking on herself part of a debt due by Russia to certain Dutch merchants represented by Messrs. Hope and Co., of Amsterdam). The engagement with Holland shall be no obstacle to this, as I had rather give the Prince of Orange something more to defend and fortify the Low Countries than assist the credit of a Calmuck Prince to overturn Europe."

Again, in Lord Castlereagh's circular note inserted in the Protocol of the Vienna Congress, dated 21st of February, 1815, we find the same policy announced—

> "In the course of these discussions the undersigned has many times been obliged, in the name of his Court, to oppose with energy the re-establishment of a Polish Kingdom in union with Russia, and as making a part of that Empire. The wish constantly manifested by his Government was to see in Poland an Independent State, more or less considerable in extent, over which should reign a distinct dynasty, and which should form an intermediary Power between the three great Monarchies."

Talleyrand energetically supported Lord Castlereagh's policy. But of all the friends of Poland at the Congress Austria was the foremost. Austria insisted on the re-establishment of the Independent Kingdom of Poland. For the very reason that Austria desired the political and national existence of Poland Russia desired its destruction. One of the most sagacious of Russian diplomatists, Pozzo di Borgo, in a despatch to the Emperor Alexander, dated October 20th, 1814, thus expounds the Muscovite scheme—

> "The destruction of the political existence of Poland forms the entire modern history of Russia. The system of aggrandizement on the side of Turkey has been merely territorial—I might say secondary—compared with that which has been carried out on the western frontier. The conquest of Poland has been made principally for the sake of multiplying the relations of Russia with the other nations of Europe, and to open to her a vaster field and a more noble stage for the exercise of her power and her talents, and for the satisfaction of her pride, her passions, and her interests. From this design, crowned as it has been by the most complete success, habits have resulted which it is impossible to efface by a mere proclamation, without injuring the empire in its most essential and most delicate element, that of unity of Government.
>
> "If there existed between Russia and the rest of Europe a civilized mass of nine millions, constituting one nation, the reciprocal influence and communication of Russia and Europe would insensibly diminish. The Russians, restrained within their ancient frontier, or merely passing it as travellers, would become almost unknown to the other nations. To withdraw Poland from under the Imperial sceptre would be to compel the Russians to receive everything at second hand. The hindrance which this separation would be to the developement of their moral faculties, to their education, to their participation in enlightenment, arts, and liberal ideas, is incalculable. It was for the purpose of plunging Russia for ever in barbarism, and of rendering it an exclusively Asiatic power, that Napoleon imagined the restoration of Poland, as it was for the purpose of gaining for Russia a distinguished place amongst the most civilized nations of Europe that your Majesty's predecessors desired conquests which must necessarily lead to contact with them."

The escape of Napoleon from Elba led to a new disposition of the Great Powers in respect of Poland. The Duc de Richelieu, on the part of France, did not maintain the same ground as that taken by Talleyrand. England also yielded. Austria alone still held firmly to the cause of Poland; and, when she was forced to give way, she did so under a grave protest, which is, to this day, a record of the wisdom of her statesmen, as well as a solemn assertion of Polish nationality.

Sir, it was under such circumstances that the Treaties of Vienna and the subsequent charters were signed. These instruments imposed conditions upon the great Powers, and reciprocal conditions of allegiance upon the Poles. Be it remembered, however, that the latter were not willing parties to these engagements. But, putting that aside, whether the Poles were parties to the conditions of 1815, or whether they were not, I am bound distinctly to declare that, in my opinion, it was not the Poles who violated the conditions. What were the conditions under which Russia obtained her share of Poland? The Treaty of Vienna stipulated that the civil rights of Poland should be maintained, that the nationality of Poland should be preserved, that the commercial system of Poland should be continued, that the Diet should be summoned every two years, and a Budget laid before them every four years, that no Russian official should hold office in the administration of Poland, and that the rights of the Catholic and the United Greek Church should be preserved. It was alleged by Russia that these conditions were broken by the Poles when they rose in insurrection in 1831. This is totally false. The Treaty of Vienna was the title-deed by which Russia held Poland, and I defy any friend of Russia to maintain that the trusts of that deed had been broken by the Poles. No, they were broken by Russia. The Poles rose in insurrection to defend their rights from the flagrant breaches of the treaty committed by Russia. The statement of the Poles to that effect has never been openly denied by any Minister in this House. We are, however, in almost total ignorance of what the conduct of England has been in regard to the events of 1831 and 1832. Many hon. Members have asked over and over again for copies of the despatches which passed between the Courts of St. James's and St. Petersburg, but no one has succeeded in getting them. I hope the Foreign Secretary will not now refuse to produce them. Russia then incorporated Poland, and the Emperor addressed the Poles in a speech at Warsaw, telling them that he did so as King of Poland no longer, but as Czar of Russia. Austria at that time was friendly to the Poles, and even during the insurrection assured them of her support if the other great Powers would join her. In 1831, the Envoy of the Polish National Government, whilst engaged in conferences with Prince Metternich, received from the Emperor Francis, through his Minister of Interior, Count Kolovratz, the following confidential message:—

> "The Emperor feels that the time is drawing near when he shall have to appear before the great Judge; the possession of Gallicia weighs on his conscience as a crime; and he would be ready to restore that province to Poland, provided it were not annexed to Russia."

The French Government, at the suggestion of Austria, not only took up the case of Poland, as Austria had done, but addressed a despatch on the subject to the British Government. I hope this despatch will now be published by the noble Lord. M. Louis Blanc, in his *Ten Years*, gave the reply of the then Foreign Secretary of England (Lord Palmerston) to Prince Talleyrand. In this despatch his Lordship stated that the object of the note presented to him by the French Ambassador was "to induce the British Government to interfere in concert with France in the affairs of Poland, for the purpose of stopping the effusion of blood, and of procuring for the country a political and national existence." This course, the noble Lord said, His Majesty refused to take on account of "the frank and amicable relations existing between the Courts of St. Petersburg and of St. James's," being also of opinion that the time had not arrived for adopting the proposals then made "against the will of a Sovereign whose rights are incontestable." I hope for the credit of this country that this despatch is not genuine. What! Talk of the rights of the Czar over Poland as being incontestable, those rights resting upon a treaty every important part of which had been violated in the face of Europe! I call on the Secretary of State to publish this despatch. If it be a forgery, let the noble Lord tell us that it is a forgery; he has the honour of the English Foreign Office in his keeping, and it is now in his power to dispose one way or another of this great scandal. The proposal of France must have been to establish Poland as an independent and a self-existing Power, but the noble Lord's despatch, if correctly set forth by M. Louis Blanc, appeared only to recognize and to advocate the Treaty of Vienna, for it declared "that His Majesty will insist upon the maintenance of the political existence of Poland as established in 1815, and of her national institutions." But even this wretched compromise was not carried out by England. So far with regard to the years 1831-2. The Poles were on the high road to independence. Austria and France were preparing to assist them. The Belgian Catholics, at the instigation of M. de Merode, voted eighteen articles in Congress in favour of the Poles. The distant governments of Turkey and of Sweden proferred aid to the Poles. The sympathy of Europe was on their side. Russia, for a moment, stood alone, and seemed about to give way; when suddenly the influence of England is manifested; the rights of the Czar are called incontestable, and a hypocritical appeal is made to the hollow and useless Protocol of 1815. Thus Poland, through English diplomatic treachery, is lost.

Since that time the Polish question has undergone some phases. The religious persecution prevailing in Poland since then has not escaped the attention of Europe. The Count de Montalembert, with a voice that rang throughout the civilized world, denounced the tyranny and intolerance of Russia. The French press still re-echoes his eloquent appeal. Even the press of England seems now to be sensible of the truth. In a recent number of *Fraser's Monthly Magazine* I find the following passage, and I quote it the more readily because it appears in a magazine of strongly marked Protestant principles:—

> "The feeling of antipathy against the Russian invader is fostered also by the difference in religion. The great mass of Poles are Roman Catholic; a great number of whom are of the sect known as 'United Greeks,' especially in the Lithuanian provinces; these, being in communion with Rome, and acknowledging the Pope as their spiritual chief, form a powerful sect, between

> which and the orthodox Greek Church—the Church of the State—there is an antipathy great in proportion to the slight difference of their creeds.
>
> "The Roman Catholics have been aggrieved by suspension for years in the nomination of Bishops, but the United Greeks are positively oppressed by violent efforts to make them conform to the national Church.
>
> "Scenes have occurred since the accession of the present Emperor, and with his personal approbation in which peasants have been flogged and imprisoned for refusing to communicate in the 'orthodox communion.'"

Within the last few weeks, the Chief Rabbi and the Jewish consistory at Warsaw, addressed a circular to their co-religionists, in which they thus refer to their oppression—

> "Thirty years have elapsed since 1831, during which more than 100 enactments respecting the Jews have been published by the Government, not one of which contained any alleviations of our sufferings, but rather tended to increase our oppression. Of all who profess our religion throughout Europe, we are the only ones who groan under the barbarism of the Middle Ages. The number of Jewish taxes are innumerable, and our means of gaining a livelihood are more and more limited daily.

In 1841, the Russian Government issued ukases still further pressing on Poland. But the event of the greatest interest to the country since 1831 was the Crimean war. Now, I am informed by the highest authority, by an authority the value of whose testimony every European diplomatist would recognize, that the Austrian Government told us at that time that they were prepared, and were most anxious, to re-establish Poland, and actually asked the allies for a contingent of 100,000 men for the purpose. France approved of the Austrian proposals; but what did England do?

Who can answer that question? It is said—and the numerous petitions I had the honour of laying on the table to-night furnish us with some evidence of the fact—that the people of this country are deeply interested in the fate of Poland. Now, it is well known that negotiations on this subject took place during the late war, but these negotiations have been studiously concealed from the people and from Parliament. As far as official papers, blue books, or despatches are concerned, we are totally destitute of information as to the language held by the English Government at the time of the Crimean war with regard to Poland. But some time ago Mr. Nassau, senior, made known a report of some remarkable conversations, one of which took place in May, 1854, with General Sharnofski, who said—

> "I have reason to believe that Austria is thinking seriously of reconstructing Poland. Ever since she joined with Russia in the partition of Poland she has felt Russia pressing more and more heavily on her. I have lately seen a letter from Bourquency to a friend of mine in Paris, in which he says that the Cabinet of Vienna proposed to join England and France, on condition of their lending themselves to restore Poland."

It is to be hoped that Her Majesty's Government will to-night give us some information with reference to this subject. The intimate alliance existing between England and Russia before the Crimean war might to some extent account for the treacherous conduct of England. In 1850 the Marquess of Lansdowne said—

> "The most intimate communications with respect to everything that occurs affecting the Powers of the North, and more particularly affecting them at this moment, are constantly taking place between the Russian and the English Governments—we availing ourselves of the suggestions of Russia, and Russia expressing her confidence and reliance in our views, and advising other Powers to follow the course and adopt the sentiments suggested by us."—*Hansard*, 17th June, 1850.

The present Foreign Secretary made similar remarks. He said—

> "There is no week passes that my noble Friend (Lord Palmerston) is not in communication with Russia with respect to points of policy on most important subjects, on which the two Powers are fully agreed."

And when he (Lord John Russell) held the seals of the Foreign Office in 1853, he availed himself of his brief tenure of power to insult the cause of Poland and violate historic truth by thus writing in a despatch to St. Petersburg, on the 9th February—

> "Upon the whole, then, Her Majesty's Government is persuaded that no course of policy can be adopted more wise, more disinterested, more beneficent to Europe, than that which His Imperial Majesty has so long followed, and which will render his name more illustrious than that of the most famous sovereigns who have sought immortality by unprovoked conquest and ephemeral glory."

I say that the present Secretary of State, who professes to be such a champion of liberty, insulted the cause of Poland and ignored the most striking events in modern history when he addressed such language to the Court of St. Petersburg. Lost, indeed, and doubly degraded would be the cause of Poland, if the noble Lord was justified in describing the Imperial policy, which had been "so long followed," as "wise, disinterested, and beneficent to

Europe." No, the old and consistently continued policy of Russia is the very reverse of all this. But, puffed up and lauded by the Secretary of State, and steadily supported by the noble Viscount, that policy has flourished. No wonder, under such circumstances, when the Crimean war gave England such an opportunity that England neglected it. Thus, again, through the action of the same Minister the occasion is lost, and Poland once more sacrificed to Russia.

But it has been said, by the school of "economists and calculators," is it an English question at all? Does it touch our pockets, does it affect British finance? Has it anything to do with our Estimates? Now, in one sense, all this is a very narrow ground to take; but I am not indifferent to its importance, and would respectfully ask the attention of this economic school to the increase of the military expenditure of the Powers of Europe, and more particularly of England, consequent on the destruction of Poland. Even in the half and half condition in which Poland was left by Lord Castlereagh and the Treaty of Vienna she was intended to be a barrier to Russia. The truth of what the first Napoleon said was remembered, that if Russia destroyed Poland England would lose India. The action of Poland in the West would check Russian encroachments in the East. That was the opinion of Lord Castlereagh and all the statesmen of his day. Succeeding events justified that opinion, for, from the time Poland was destroyed an extraordinary increase took place in the military armaments of Europe and England. The Committees that from 1818 to 1828 inquired into the expenditure in their Reports laid down the principle that, as a rule, the expenses of the military armament of England should not exceed £5,000,000 a year; and up to the period when Poland was incorporated into Russia a reduction of the military Estimates took place year by year. After that incorporation, the Estimates, military and naval, began to increase, not merely in England, but on the continent of Europe also. An increase in one country led to an increase in others. The lesson that has been taught by this rivalry of the European Powers is one this House ought to take to heart; and they could trace it to the effect of the incorporation of Poland with Russia, and the removal of the great Western barrier to that Power. Again, how has that measure affected the commerce of England? A few years after the incorporation, in September, 1842, *The Times* thus wrote—

> "One of the fundamental conditions on which the kingdom of Poland was constituted and handed over to Russia was the freedom of commercial intercourse by land and by water throughout all the provinces which had formed a part of that unfortunate State before the first partition. Cartel treaties, commercial prohibitions, frontiers hermetically sealed against the ingress of merchandise and the egress of men, and all the machinery by which jealous States protect what they call their interests, formed no part of the system of government which was promised to the several portions of Poland. But in defiance of stipulations Russia has now advanced the strict cordon of her prohibitive system to the furthest western limits of the Emperor's dominions."

English goods were once admitted into Poland with a duty of 5 per cent; now they are, in many cases, practically prohibited. What has been the loss to the commerce of England by the prohibitory laws of Russia in Poland? I have calculated it at £1,000,000 per annum. But this calculation does not take into account what what would have been the effect of the free trade policy England adopted fifteen years ago. Poland was one of the great corn growing countries of Europe; and our free trade policy would have enabled us to extend our Polish commerce; so that, taking all things into consideration, our annual loss at present is much more than £1,000,000. But this is not all. Russia prohibited the export of corn from Poland so strictly that the production has diminished. In many places it is no longer grown, because it is not allowed to be sent out of the country. Russia did this to develop the resources of other portions of her corn growing dominions. These facts, I hope, may interest the "economists and calculators."

But this is, in truth, a far greater question than the preservation of British commerce. The interest of England goes beyond the preservation of commerce. She has had several opportunities of supporting Austria and France in procuring the independence of Poland; but England has purposely evaded those opportunities, and we now behold the state of Poland. I do not wish to encourage revolution. Nor do I regard this as a revolutionary question in the slightest degree; it is eminently Conservative. If the preservation of the faith of public treaties be Conservative so is the question of Poland; if the preservation of the ancient traditions of a kingdom, and, above all, if the preservation of right against despotic force and truth as opposed to fraudulent diplomacy, be Conservative, then I say the principles involved in this question are Conservative principles. Lord Castlereagh and Prince Metternich were not revolutionists: they laboured to restore the Polish kingdom. Austria is not a revolutionary power, and Austria, but for English intervention, would have gone to war to secure the nationality of Poland. On the other hand Russia is at the head of that revolutionary movement which, bewildering Europe, gives power to Russian intrigues; and, in oppressing Poland, Russia is mainly aided by the leaders of English liberalism.

I have said that England has been to blame throughout the whole of this business. When Lord Clarendon touched the Polish question he did it damage. Lord Aberdeen and other British statesmen of his day injured it. The present Secretary of State has contributed his share to the armoury of Russian arguments. But the Minister who has from the beginning to this hour done the most against Poland is the present Premier. It may surprise some hon. Members to be told that when other great Powers were anxious to assist Poland, the noble Lord, on behalf of England, stepped in and prevented them. Had I myself heard such a statement some time ago, and had I heard it unsupported by the facts I have submitted to the House, I should probably have been surprised also. But this Session I have seen many things which must lessen the confidence of the country in the noble Lord. I have observed him rise in his place and lose his temper when accused by one of his own supporters of falsifying Sir Alexander Burnes's despatches. I have watched influential Members of the Liberal party recording their votes against the noble Lord when that grave charge was denied but not disproved. I have heard another supporter of the Government, when he brought forward the case of the Baron de Bode, taunted by the noble Lord with bringing forward a case involving fraud, and I have then seen, on that issue, the Minister defeated by a majority of this House, and the charge of fraud flung back upon the noble Lord. And, not the least disgraceful, I have seen the House counted out by the Government when charges equally serious were made against the noble Viscount by the noble Lord near me (Lord Robert Montagu).

Proofs of the Prime Minister's policy in regard to the Polish question are thickening; I ask the Secretary for Foreign Affairs to supply the links that are still required. I particularly ask him to give the correspondence between France and England in 1831 and 1832; and any between France, England, and Austria relating to Poland at the time of the Crimean war. I also wish to ask whether a circular letter addressed to the Cabinets of Europe, in April last, by Prince Gortschakoff, is authentic? I do not ask the noble Lord to produce the papers relating to that circular; I know the answer would be the stereotyped one, that they refer to still pending events in Warsaw, and that it would be inconvenient to give them. I only ask, therefore, whether the circular is authentic?

Having said so much of the past history of the question, I now ask the House whether the recent events in Poland and the present attitude of the people, even if there were no other interest at stake, do not justify some consideration of the subject? But, above all, if England, as I have shown, was a party to the oppression of Poland—if England did not avail herself of the opportunities there had been for giving Poland its independence, do not these facts justify the House in showing that country some consideration now?

Sir, in this story of English connivance at Polish oppression there is an instructing moral. I commend it to the consideration of what is called the Liberal party. Hon. Members who have comprehended the guilty action of England may fairly ask what pretension have British statesmen to style themselves the champions of freedom? If the noble Lords opposite (Lord Palmerston and Lord John Russell) have done so much to maintain Russia against Poland, and, in doing this have deluded Europe, and mystified their country with all the specious cant of Liberalism; surely their foreign policy to-day should not be exempt from scrutiny; and, when they call the loyal peasants of South Italy "brigands," and when they publicly approve of the barbarous conduct of Cialdini and Rivelli, we may be pardoned for remembering that the English statesmen who now support Piedmontese oppression in Italy, are the same English statesmen who supported Russian tyranny in Poland.

Probably, on another occasion, some Member of greater influence and position than I have the honour to hold, will make a more important Motion on this subject.

If, however, no one else will be prepared to do so, I shall certainly not shrink from taking that course. At present, with the double object of endeavouring to obtain information and of calling attention to a subject so disgraceful to British diplomacy in the past, and so full of European interests in the future, I content myself with moving that an Address be presented to Her Majesty, praying Her to direct that certain Correspondence which took place in the years 1831 and 1832 with reference to Poland, be laid on the table of the House.

Mr. MONCKTON MILNES : I rise to second the Motion of my hon. Friend opposite. I need hardly say that there was much in his speech with which I by no means agree ; but in the substantial part of it—namely, as to the importance of from time to time directing the attention of this House to the condition of Poland, I entirely concur. No one feels more than I do the impolicy of interfering captiously with the administration of foreign countries, even if it be wrong ; but if treaty rights are to be respected we have certain responsibilities with reference to the condition of Poland which we cannot altogether set aside, and certain duties to perform which we cannot altogether neglect. That the independence of Poland formed a substantial part of the Treaties of Vienna, and that if those treaties are to be appealed to at all that independence must be respected, are facts upon which it is not necessary to expatiate; but at this moment I think it would be well if the great Powers of Europe who rest so much upon the Treaties of Vienna would remember that if this question of the independence of Poland is to remain unsolved, and if such an outrage as the destruction of the Republic of Cracow is to continue unremedied, it is impossible for those Powers with an unfaltering voice to ask France or any other Power to respect those treaties. If we are, as it is said, upon the eve of great changes ; if French ambition, not, perhaps, so much that of the Emperor as of the nation, is likely to lead that country to endeavour to recover its natural frontiers, I cannot see how England could be called upon to assist those Powers in protecting what they consider their legitimate rights, unless they each do what they can to remedy the infractions of the treaties which have taken place. I cannot agree with my hon. Friend that the conduct of England towards Poland has been such as he has described. The question of the nationality of Poland has always excited deep and permanent interest in the minds of the people of this country—a singularly permanent interest, considering how little intercourse there has been between the two countries, and how little material interest we have in the fortunes of Poland. There was, however, about the disruption of Poland in the last century a cold-blooded immorality which shocked the conscience of Europe, and the feeling of which, despite the great events which have since occurred, the shock of the French Revolution, the wars of the Empire, and other important and stirring movements, remains now as strong, and, perhaps, stronger, than it was when that act of spoliation was committed. The interest which is taken in the affairs of Poland is entirely disproportioned either to the political importance of that country or to the political contingencies which might occur upon its disruption, because it rests upon a deeper basis than anything connected with political circumstances. The events which have lately occurred at Warsaw have greatly shocked the people of England, because we thought we had reason to believe that the Government of Russia under the new Sovereign would do nothing to shock the opinions of the nations of Europe. We saw the Emperor of Russia engaged in one of the most noble, and at the same time, one of the most difficult operations that have ever been undertaken by a Sovereign—determining, almost in the face of a hostile aristocracy, to liberate his people from serfdom. I only wish that that Sovereign could be made sensible of the feeling of deep disappointment which spread over this country when we saw that while with one hand he was labouring in this great and glorious work, with the other he was striking cruel blows of physical force upon the unarmed and defenceless population of Poland. All that we can do is to implore the Sovereign and rulers of Russia to remember that the great social questions which they are agitating do in a certain degree require for their settlement the moral confidence and the moral assent of the people of Europe. Russia is no longer separated as she used to be from the rest of Europe. Every day by railways and other means she is brought into closer physical contact with other European nations, and it will be impossible for her to maintain much longer the sort of almost Chinese exclusion which at one time separated her from the rest of the world. The Russian Government, enlightened and well informed as it is, cannot fail to perceive that the one question which is now agitating the public mind of Europe is that of the orderly direction of the national spirit of peoples. They must see what an effect the feeling of nationality produced in Italy, and what results it is slowly working out in Germany. In the face of that feeling of nationality, rising even in places where it was supposed to be extinguished or overlaid by other intellectual processes or moral feelings, can the Russian Government suppose that any good is to be done with Poland, which has maintained that feeling unbroken and unshattered through such a series of years, except by in some degree recognizing and regulating it? If there is one country which owes more than another to national feeling it is Russia. When the events of our time become the history of the world, the defence of Sebastopol by the Russian nation and the Russian army against the combined forces of three great Powers will be recorded as one of the most glorious instances of national feeling and national sacrifice which have ever been witnessed. Let not, therefore, the Russian Government, which owes so much to that feeling, believe that it can, with the approbation and assent of Europe, continue to keep down and utterly destroy the national feeling of Poland. There is no reason why these nationalities should be antagonistic or repulsive, or why one should lead to the destruction of the other. On the contrary, if they are to be properly recognized, and duly regulated, they may be advantageously united and prove a source of strength where now there is only weakness.

LORD JOHN RUSSELL: I cannot say that I am at all surprised that the hon. Gentleman should have brought forward the question of Poland. It is a country which, after all its vicissitudes, has preserved its national spirit, which must cause every one to respect it. At the same time, by some unhappy fate, it seems impossible —almost impossible—that she should be able to unite her scattered provinces under one Government, and with a national Government of their own. The hon. Gentleman has alluded to various points in the history of Poland. It seems, as I have said, that there has been always something which has prevented the recognition of an established Government—of the independence of Poland. One might have thought that the first Napoleon who disturbed so many countries, who gave away provinces and crowns, that he might have thought it an object of ambition worthy of his great power and extended fame to restore the national existence of Poland. We know well that his opinion was that although he might raise a legion of Poles yet that as Russia, Austria, and Prussia were all possessors of Polish provinces, it was beyond even his power to hope to establish permanently an independent Government of Poland. The hon. Gentleman has alluded to the period of the Congress of Vienna. I must say I think that everything that could be effected by British diplomacy was done by Lord Castlereagh at that time. It is evident that Lord Castlereagh wished, when Europe was to be reconstructed, that Poland should rise from her ashes, and should again possess an independent Government. We may observe in the correspondence of the time, that when the Emperor Alexander I. expressed a wish that there should be a kingdom of Poland, and that he should be the possessor of it, Lord Castlereagh always said he desired the independence of Poland, but that he could not conceive that that independence was consistent with Poland being placed under the dominion of so powerful a Sovereign as the Emperor of Russia. Whatever Lord Castlereagh, with the assistance of France and Austria might have done, was completely thwarted and set aside by the event of the landing of Napoleon from Elba. From that time all the Powers of the Continent began again that work which they thought they had carried to a completion the year before. Their whole attention and their most mighty efforts were devoted to checking the ambition of Napoleon, and to confining within due limits the power of France. At that time, therefore, the independence of Poland was not thought of, and I must say that although there was a wish, as was shown by the Articles of the Treaty of Vienna, that the Polish people should have certain liberties, and certain privileges, that wish has been very imperfectly accomplished by the terms of the treaty which was agreed to. It was agreed that Poland should be united to Russia by a constitution—that she should have national institutions and national representation, but it was said in a subsequent part of the article that those national institutions and that national representation should be given by Russia, by Austria, and by Prussia in the manner which those Governments should think most suitable to their own institutions. That, of course, left a very wide scope for interpretation, but beyond that there was a feeling which acted from that time, and which is acting at the present time, namely, that while the Emperor Alexander I. wished to retain his power over Poland, at the same time he wished to grant to Poland large privileges and to make it, at all events, a flourishing province under the name of the Kingdom of Poland, but the general feeling at St. Petersburg, the seat of power, was that Poland ought not to be indulged with privileges more large and more liberal than were granted to Russia. The consequence of those opposite feelings was that to which the hon. Gentleman has alluded. The hon. Gentleman has said that the Treaty of Vienna was violated. I do not wish to enter upon that question. We are certain of this, that dissensions between the Government of Russia and the people of Poland broke out into insurrection and civil war, and a conflict was for some time carried on. At the termination of that contest the Emperor of Russia set about, not to utterly incorporate Poland with Russia so as to abolish the name of Poland, but he did deprive the Poles of the privileges which they had hitherto enjoyed. He deprived them of a national representation — of anything like representative institutions, and of a national army, which had hitherto been their greatest pride. Russian institutions were imposed upon them, and many grievous wrongs were suffered by them. During the administration of Earl Grey my noble Friend, who was then Secretary of State for Foreign Affairs, addressed several despatches to the Russian Government. The hon. Gentleman asks for those despatches. The time is distant — they were written thirty years ago—and I do not think there can be any public injury arise from giving those despatches. The House will then see that my noble Friend contended that the Treaty of Vienna was still to be carried out in its true spirit; that by its spirit Poland ought to have a separate constitution, and the House will see how it has arrived that the Government of Russia has put forward a species of right of conquest, and assumed the right of abolishing all the privileges of Poland under the treaty. The hon. Gentleman, alluding to a subsequent period, has said—and I think he gave more than one reason for his allegation—that England had declined the task of reconstructing Poland, and that, therefore, she was guilty of contributing to the evils which Poland has suffered. I do not think that charge is justified by anything that has occurred. The hon. Gentleman will see that to the partition of Poland Great Britain was a stranger, and my belief is that if, at the time of the Crimean war, it had been proposed to restore Poland with all her former provinces, both Austria and Prussia would, in all probability, have joined Russia to prevent the accomplishment of such a plan. Now, as to this question, I must say I hope the House will consider what is becoming the dignity of this nation, and what is the duty of the British Minister who is to represent it. There are Powers with whom you may hold most friendly communication, even with respect to their own internal arrangements, but with regard to Russia, as I have said on former occasions, I cannot believe that any representation we could make upon the subject of the Russian government in Poland would be met in any other way than by a declaration that the government was conducted in the best manner, and that the advice of England respecting it was quite out of place. If that be the case would it become us to make useless representations? Is there any one who will say that we ought to interfere further—that we ought either by ourselves, or by endeavouring to form alliances with other Powers to break with Russia—to make war, in fact, with Russia with the view and hope of establishing the independence of Poland? I will not go into general principles, nor will I enter upon a consideration of the evils that would be caused to the world at large by a principle of constant interference; but I will only say that I think, with regard to Russia, that it would lead to a disastrous war, and, in the present situation of Poland, I do not believe that her independence can be achieved by such means. And, therefore, whatever may be our sympathies for Poland, I believe her interest points to tranquillity, and to petitions and requests for a more liberal form of Government, and for institutions similar to those which were granted at Vienna, and not to any hardened insurrection against the power of Russia. I believe, moreover, that the confidence of Poland would be entirely misplaced if she expected that any of the Powers of Europe would join her in such an attempt. Still, looking to a distant period, one cannot but think that for a people endowed with so much courage and with so much intellect, and which has so long kept alive the holy flame of national existence, a time is reserved when she may recover her ancient glory, and take her place again among the nations of Europe. I do not, however, say that this is that time, or that anything the British Government can do would hasten its arrival. A matter to which my hon. Friend the Member for Pontefract (Mr. Monckton Milnes) has alluded gives us encouragement with regard to this subject. Within a very few years we have seen great changes in several of the nations of Europe in the direction of representative Constitutions, of greater freedom of person, greater freedom of the press, and greater encouragement of those powers which bad Governments take away, and which good Governments are delighted to see their subjects enjoy. Russia has made a step in that direction. The Emperor of Russia, with great boldness, as well as with great liberality, has declared that within a period of two years the institution of serfdom shall be completely abolished. One cannot but think that modifications will be consequent on this great organic change; and that if, as seems to be the case, constitutional and representative Governments are to prevail in France, in Italy, and in Germany, in Russia also the germs of representative Government will at length take root, and finally grow up into a healthy plant. One cannot but think that in Russia also these advantages of free communication of thought, and of guarantees for personal liberty will be acquired by the improved and enlightened condition of her nobles, and by the popular spirit which will grow up when nobles and serfs will no longer be placed in antagonism. Whenever a change of that kind takes place in Russia the feeling will no longer prevail which is now entertained by nearly every Russian—a feeling of jealousy towards Poland, and a desire that she should not have privileges and liberties which are totally denied to the empire to which he belongs. But while I look forward hopefully to the future history of Poland, I am convinced that any hasty, premature intervention on the part of this country would be neither justifiable nor wise. I cannot say that I wish to maintain any relations with Russia but those of a friendly nature, and, from the extended relations of commerce between the two countries, I believe it is for the interest of both that they should remain on amicable terms. It is not, as I conceive, either for our own interests, or for the interests of Poland, that we should continually be making representations to Russia with regard to her mode of government. I offer no opinion with regard to the institutions that have been lately given to Poland; but they are institutions which seem to me to derive all their authority, and to depend for the spirit in which they are to be administered upon the will of the Emperor, as they are all to depend for their existence upon his pleasure. Still, it is impossible that district and provincial councils and municipal bodies can continue to act and be elected without effecting improvements in the condition of the people; and, indeed, the most patriotic Poles have of late years turned their attention to national objects under the guise—I will not say under the disguise, because I believe their efforts in that direction are genuine—but under the guise of agricultural improvement. The amendments which must thus be accomplished in the condition of the people by the promotion of knowledge and of education will all tend to the progress of the nation, and, therefore, while I do not think any active co-operation on our part would be wise, I believe Poland, so far from being destined to political extinction, will, by a gradual and peaceful course of enlightenment, at length resume her place among the nations of Europe.

SIR HARRY VERNEY said, the speech to which the House had just listened was the most hopeful sign for Poland which he remembered in the course of a long Parliamentary experience. The statement of the noble Lord would give hope to the Polish nation, without exciting them to forcible attempts to obtain their rights. He was most anxious that nothing should be said in that House which would give rise to the expectation that England was likely to interfere by force of arms for the restoration to the Polish nation of their rights; but it was at the same time of great importance that they should state calmly and dispassionately their opinion that those rights had been violated, and that the events which had recently occurred were the consequence of that violation. He was confident, that although no active measures were pressed upon the Government, that there was in this country a feeling of the deepest sympathy with the Poles, and admiration for their conduct as shown in the late events at Warsaw, when, instead of flying to arms, the population tranquilly exposed themselves to be shot down, desiring no more glorious fate than to suffer for the independence of their country, and, by their martyrdom, to attract the sympathy of the nations of Europe. The Poles had, indeed, shown themselves worthy of institutions which they did not at present possess, but which in course of time they might possibly obtain. The noble Lord had given a sufficient reason why the Russian Government should be unwilling to confer liberal institutions upon Poland, when he said that it would produce jealousy on the part of the Russian people, who did not possess the same advantages. But the Poles were not without friends in Western Europe, and whenever the time came when free institutions could be secured for them without involving us in war, he believed that the British nation would come forward most willingly and most anxiously to obtain for them such institutions. And if there was a strong manifestation of public opinion in this country on behalf of the Polish nation, he believed that the manifestation in France was no less strong, and that the Emperor Napoleon would be ready to go hand in hand with our Government in any steps that might be taken to obtain for them more freedom and more liberal institutions.

Mr. WHITE said, he could not join the hon. Member for Buckingham (Sir Harry Verney) in his exuberant eulogy of the noble Lord's speech, which he must say abounded in the feeblest platitudes that could be uttered on a great question. From that speech one moral was to be gathered —namely, that if a great Power were guilty of any enormity or atrocity its conduct would not provoke a protest from this country. Despatches were freely written respecting the late King of Naples, respecting Greece, Turkey, Brazil, Spain, and Portugal; but when a great Power was concerned a remarkable reticence was observed, which induced people out of doors to think that our Government was prepared to interfere in the wrong cause and at the wrong time, and very reluctant to do it for the right cause and at the right time. He thought it became the dignity of England, upon the occurrence of an event like that which had recently taken place in Poland, to put on record a deliberate protest against such acts as disgraced our common nature. He, therefore, hoped to hear a stronger expression of feeling from the Ministerial bench than had fallen from the lips of the noble Lord the Foreign Secretary.

Mr. VINCENT SCULLY said, that while concurring in all the generous sentiments which that debate had elicited, he wished that those who gave utterance to them on behalf of a distant country would not refuse to practice them nearer home. He trusted the Poles would not be induced, in consequence of that discussion, to place themselves in collision with the great Powers which now ruled over them, because if they did so they would find that they would receive no support from England beyond a few spirited speeches. It was true, as the noble Lord said, that the Czar was acting nobly in liberating many millions of serfs, but that act of enfranchisement extended to Russians, not to Poles. In this country we had a most liberal Government, which did everything liberal for England, but which did not assist in removing the oppressions under which the sister island laboured. Ireland was an exact parallel to Poland, with this only difference, that it was a very much worse case. When he had been requested to advocate the cause of Poland in that House, he had asked those who made the request to come down there and see the reception he would meet with in attempting to bring forward the wrongs of Ireland, and they would find that the grievances of any country in the world would awaken a better response than those of Ireland. When 250 destitute human beings were turned out upon a bleak mountain side, and their characters blasted, an inquiry into their case was denied. If hon. Genmen were sincere in the generous sentiments they enunciated on behalf of foreign nations, they would surely place a country which was under their own rule upon an equality with the rest of the kingdom.

Viscount PALMERSTON: As the despatches now moved for are those which I myself wrote when at the Foreign Office, I wish merely to take the opportunity of saying that I entirely agree with my noble Friend in respect to their production. I then entertained the opinion which the British Government of that time entertained and expressed as to the course which the Government of Russia adopted towards Poland; and that opinion, couched in those friendly terms befitting the relations then subsisting between England and Russia, was that the course so taken was a complete and decided violation of the stipulations of the Treaty of Vienna. I agree with my noble Friend that it is impossible for anybody who has any admiration for high national qualities, for patriotism, endurance, love of liberty, not to admire the Polish character. And it is equally impossible for anybody who has any sense of wrong not to lament those misfortunes which have befallen the Poles from the time of the first partition of Poland down to the present moment. That partition was a gross violation of national right. The stipulations of the Treaty of Vienna were broken almost as soon as concluded. The British Government, upon every occasion on which it was called on to pronounce an opinion, or on which it thought it could pronounce an opinion usefully, declared that to be its view. And when the hon. Gentleman (Mr. White) says that the English Government interferes in some cases by opinion and advice, and does not interfere in others, I must tell him that the English Government interferes in proportion as it thinks it can do so usefully; that when it thinks its opinion may prevail it expresses it in the form which it believes the most likely to prevail. But when the Government feels that its opinions will not be attended to, and that the result will be that it will either have to submit to a refusal or to ask the country to take up arms—an appeal which the Government knows full well the country would not answer—why, prudence, and even the interest of the parties concerned, would lead it not to exasperate where it is unable to convince. The hon. Member who made this Motion thinks the British Government has neglected several opportunities when it might, in conjunction with other Powers, have restored Poland to independence. Why, the occasions to which he alludes were occasions on which war must have been made; and I ask any hon. Gentleman I am now addressing whether, in the course of his memory, any period ever arose in which he believes this country would have been induced to enter into an European war for the emancipation of Poland, however much we may have sympathized with her wrongs and desired to see her independence re-established? Take the Crimean war. During that war we were engaged in operations which had the security of Turkey for their object, and all the military and naval resources which England and France could command were directed to the Crimea and the Black Sea. Had we sent any of the forces which were engaged in those operations to the Baltic to act on behalf of Poland we might have failed in accomplishing that for which we had undertaken the war, for a most important consideration in naval and military operations is the concentration of your forces to one point. Therefore, it is manifest that it would have been extreme folly to attempt warlike enterprises in two such distant quarters, even if we had the means of doing so. The hon. Gentleman thinks that Austria would have been a willing and powerful ally at that time for the emancipation of Poland. Does the hon. Gentleman remember that Austria, supported and encouraged by Russia, committed the greatest violation of the Treaty of Vienna perpetrated by any of those three countries? I will take the liberty of saying that perhaps the greatest violation of a treaty that has ever taken place in the history of the world was that which occurred in the case of Poland, because here were three Powers who undertook by treaty to support and defend the independence of the republic of Cracow, which had been established under their auspices, and yet those trustees and guardians of that republic combined to destroy that independence, and to incorporate the republic itself with the Empire of Austria. I do not think the case was a hopeful one for our getting the assistance of Austria to achieve the independence of Poland; but, be that as it may, we were engaged in another country, and we had not the means, even if this country had the will, to embark in such an operation. I concur with my noble Friend in thinking that a nation which, under such a long course of oppression, has resisted all attempts to destroy its national spirit must be destined, some day or other, for a better fate; but if the object of the hon. Gentleman was to induce the Government to take more active steps than are involved in the expression of opinion, I would say, in the first place, that I do not think we should be supported in such a proceeding by the people of this country; and, secondly, that the Government are not prepared to ask the country to make those sacrifices and engage in those arduous operations by which alone active measures for such a purpose could be brought to a successful issue.

MR. HENNESSY said, his object had merely been to obtain information. He would not presume to give the Government advice, but did he venture to do so, the last advice he should think of giving them was to interfere in the manner they had done in continental affairs.

Motion *agreed to.*

Address for "Copies or Extracts of any Correspondence on the subject of Poland, which passed in 1831 and 1832 between the Governments of Great Britain and Russia."

ANCHORS AND CHAINS (MERCHANT SERVICE).—RESOLUTION.

SIR JAMES ELPHINSTONE said, he rose to call the attention of the House to the Report of the Select Committee on chains and cables of 1860, and moved that in the opinion of this House it was the duty of Her Majesty's Government to take measures to ensure that all sea-going vessels, especially those employed in the carriage of passengers, should be sufficiently supplied with anchors and chains, properly tested as to strength and workmanship. All the statements he had made in moving the appointment of that Committee had been borne out in evidence. It was proved, in the first place, that the cables supplied to ships belonging to Her Majesty's service were seldom or never found fault with. They were subjected to tests so very effectual that on very few occasions were they discovered to be defective. It was proved by the evidence of manufacturers that the state of matters was so bad that nothing but an authorized compulsory test would be of any use. It was proved that a large portion of the chain cables used in the merchant service were made of inferior material and workmanship. At Liverpool no less than 82½ per cent of the anchors sent to be tested failed under a test of comparatively limited pressure. At Sunderland, where the insurances offices, or "northern clubs," were more exacting, and where a testing machine had been in operation for a considerable period, the cables were of a better quality. There all the chain cable makers who were examined concurred in the necessity of a test, wishing to protect themselves against the manufacture of inferior articles. So bad were some of the cables that they had been known to break on accidentally falling out of the cart in which they were being conveyed to the harbour. The Report further stated that the iron which in Staffordshire was fit for no other purpose was manufactured into chain-cables, chiefly used for small vessels. The wrecks on the coast of the British Islands, and which amounted to over 1,000 last year, were principally of small vessels. No inquiry took place as to the nature of the cables of those vessels; and, whereas the chain which brought up coals and the men who mined it was tested, and the owner was liable to the punishment of manslaughter if the chain broke; only put the same coals into a brig and wreck the vessel on the Yarmouth Sands, owing to the defect of her ground tackle, and nothing more was heard of the matter. The total loss of life on the coasts of the British Isles amounted to more than a line-of-battle ship's company; and a very considerable portion of the deaths might be attributed to defective cables. It might be said that it was not the duty of the Government to prescribe to merchants the way of rigging their ships. But that was an exceptional case. Government did interfere in various ways where human life was concerned; and he did not think it would be carrying that interference too far if they included the testing of chain-cables in the category of Government interference. The Committee came to the Resolution that good grounds had been laid by the evidence before them of the absolute necessity of public tests, and especially that all vessels employed in the conveyance of emigrants or Government stores should be obliged to furnish themselves with tested cables. There could be little difficulty in carrying out such a test. The Committee were unanimous in their recommendation; and that which the Committee saw in theory, the dock companies interested in the management of such a supervision of cables had investigated practically. One point had thus been brought out, that a ship could now procure a cable which would hold her under any ordinary circumstances of wind and weather of a cheaper description than those which ships were formerly supplied with, the weight of the one cable being much less than the other. His object on the present occasion was not to force on the Government any abstract Resolution, but simply to find out whether it was their intention, with such a mass of evidence before them, to take up and deal with this question. He knew the difficulties which attended the efforts of private Members in endeavouring to pass a Bill on such a subject, or he should have undertaken the task himself. When the matter was of so much importance to the country in every respect, he thought it was the bounden duty of Her Majesty's Ministers to take it up and make it a Government measure.

ADMIRAL WALCOTT, in seconding the Motion said, that as a Member of the Committee, he cordially concurred with his hon Friend as to the necessity, propriety, and imperative duty of the Government in taking measures to satisfy themselves that all vessels leaving the ports of this country, especially those carrying passengers, were properly supplied with anchors and chains duly tested by proper authorities. It would afford him the highest gratification if the Government would give a satisfactory reply to the Motion.

MR. MILNER GIBSON said, the hon. Baronet had succeeded in eliciting a great deal of valuable information on the subject of the chains and anchors supplied to merchant vessels through means of the Committee for which he had moved last Session, and in calling the attention of the shipowners of this country to the great importance of having cables and chains in use which had been adequately tested, he had done a very good service. He (Mr. Gibson) had read over some of the evidence, and he agreed in the main with the opinion to which the Committee appeared to have come. He would read the main recommendation of the Committee. They stated—

> "That although they cannot overrate the advantage of having the chains of every vessel subjected to a test, they are unwilling to recommend that the test should be made compulsory."

Now, in that lay the whole question. If he were a shipowner, he should certainly desire that every chain cable he used should be properly tested, to see what strain it would bear; but if the plan of the hon. Baronet were carried out—if the test were made compulsory—contrary to the recommendation of his own Committee, a very great deal of inconvenience and expense would be occasioned to shipowners, and it would be necessary to have at the various ports throughout the country Government officials to see that the cables and anchors of every ship were properly marked. Then, where was such a supervision to end? There must be some limit. If the Government were to test the anchors and chains, why not also the masts and spars? Where one vessel went to sea with a defective anchor or chain many were provided with defective spars and masts. It would be necessary, therefore, first to inquire what proportion of wrecks were caused by defective anchors and chains, and what by bad masts and spars? He believed that very few wrecks in proportion were caused by imperfect chains and anchors. It was said that the anchors and chains of men-of-war rarely failed. But they were made much heavier than those in the merchant service, and it could not be intended that merchant vessels, with their small crews, should carry these heavy anchors and chains. He should say, however, that, as a rule, merchant vessels were supplied with anchors and chains that were too light. All the service that could be rendered in a matter of the kind the hon. Gentleman (Sir James Elphinstone) had performed by calling public attention to the subject. He doubted the policy of any legislative measure, and thought that the Committee had come to a wise decision when they recommended Parliament not to subject the chains and cables of merchant vessels to any compulsory test. He thought it would be very impolitic to place any such Resolution on their Journals as that it was the duty of the Government—

> "To insure that all sea-going vessels, especially those employed in the carriage of passengers, shall be sufficiently supplied with anchors and chains properly tested as to strength and workmanship."

He must, therefore, ask the House not to agree to the Motion.

MR. BENTINCK said, that he wished to bear testimony to the ability and energy with which his hon. Friend (Sir James Elphinstone) had brought the matter before the House. When his hon. Friend (Sir James Elphinstone) first brought the question before the House, he (Mr. Bentinck) was much impressed with its importance; but the views he then had of its importance fell very far short of those which he was compelled to entertain at the termination of the labours of the Committee of which he was a Member. The right hon. Gentleman the President of the Board of Trade had endeavoured to give a trivial aspect to the matter, and he had not grappled with the question in a manner which its importance demanded. He had thrown a sort of suggested slur upon the statement of his hon. Friend (Sir James Elphinstone) as to the large proportion of wrecks upon the coast which were caused by the badness of anchors and chains; but he had not endeavoured to show that the statement was not strictly accurate. Under these circumstances they were bound to believe the evidence taken before the Committee, and, if it could be shown that a large loss of life could be averted the Government were bound to take the duty on themselves. As to the extensive system of fraud practised in the manufacture of chains and anchors, the President of the Board of Trade would himself have been startled if he had heard it, and he would not then have treated the subject as one of trifling importance. Eighty-two and a half per cent of the chains which were tested at one of the principal sea ports failed under a very much smaller amount of pressure than it was considered they ought to bear; and, in addition, most of the chains made were not tested at all; because those who made them knew that they would not stand the test. On the coast with which the right hon. Gentleman was best acquainted, hundreds of light colliers had nothing but their anchors and chains to trust to in a gale, and went ashore like a snowdrift if their chains and anchors failed them. The professional evidence was all one way. It established that a great loss of life took place on the coast of England owing to the defects of anchors and chains, particularly the latter, and that there was but one way for the Government to take the matter up—namely, by making the test compulsory. The right hon. Gentleman altogether rested his case on the fact that the Committee did not recommend that the test should be compulsory. He (Mr. Bentinck) had in the Committee opposed this paragraph of the Report, believing that the Committee, in hesitating to recommend the compulsory test, were shrinking from a responsibility that they were bound to undertake. So long as the Government, with the evidence they had before them, refused to deal with the question, he considered that they would be responsible for the casualties and loss of life which occurred from the badness of chains and anchors. The right hon. Gentleman said that the proposal would entail inconvenience to the shipowners. "Inconvenience" seemed to be an odd word to use under the circumstances. If it was inconvenient for the shipowners to submit to regulations by which anchors and chains might be tested, it was a much greater inconvenience for men to be drowned and ships to be lost in consequence of the want of good anchors and chains. The right hon. Gentleman proposed to leave the matter to the shipowners, but that was exactly the present state of affairs; and it was because the shipowners were too short-sighted and indifferent that the hon. Member for Portsmouth called on the Government to make up for their want of energy, foresight, and humanity. The House had just been told that merchant vessels, being shorthanded, could not carry the same anchors and chains as men-of-war; but the question was not the weight and proportion of the anchors—it was the defective character of the chains, and the systematic frauds practised by a great number of chainmakers in this country. The honest chainmakers, being damaged to a certain extent by those fraudulent proceedings, desired to have some regulation established by which the work of the honest man might be distinguished from that of the fraudulent dealer. A large amount of life and property was annually sacrificed in consequence of this fraudulent system, and all the evidence went to show that the evil might be averted by the adoption of some plan of compulsory testing; and he had heard nothing from the right hon. Gentleman to justify the Government in saying that they considered themselves exonerated from any responsibility in not attempting to deal with the fraudulent practices which led annually to great loss of property and life.

LORD CLARENCE PAGET said, he thought that the hon. Member for Norfolk had not dealt quite fairly with the observations of his right hon Friend the President of the Board of Trade; for, instead of saying that the matter was of trivial consequence, his right hon. Friend acknowledged the importance of the subject, and stated that he was glad that the Member for Portsmouth had brought it under the consideration of the House. What his right hon. Friend objected to was that the Government should take on themselves the entire responsibility of testing anchors and cables for the merchant service. If they did so they must test those articles, not only when they were new, but after they had been used for a certain number of years, so that it might be ascertained that they were in good working order. He agreed with his right hon. Friend in thinking that if the Government interfered in this sort of way with the trade of the country, they would have the shipowners in a body complaining that their liberty of action was trammelled and controlled by the Government of the day. No one was a better judge of what the shipowners thought of interference on the part of the Government than his right hon. Friend the President of the Board of Trade. The House would remember that a Merchant Shipping Act was passed some time ago, in which various measures were taken as proper precautions for the preservation of life and goods on board passenger ships. Since then they had never ceased to hear from the shipowners that they had been unduly interfering with their private trade, and that the measure was productive of great inconvenience to shipowners and the public. Well, then, if they undertook to test anchors and chains they must do other things. They must see that ships had proper pumps, masts, and sails, for instance. The hon. Member for Norfolk (Mr. Bentinck) had said that many ships were lost for want of proper anchors and chains, but he might have gone further and said that many of them were lost through bad pumps, and from the want of good masts and sails. If the Government was to make itself responsible for the ground tackle of ships it must do it for other matters. He was extremely glad the subject had been brought before the House, because he hoped it would induce the insurance offices at Lloyd's not to insure ships which were not properly found. They were the people who were most deeply interested in the matter, and if their attention were called to it by the discussions there much good might ensue.

SIR MICHAEL SEYMOUR said, that as a Member of the Committee which had been alluded to, he fully concurred in most of what fell from the hon. Baronet (Sir James Elphinstone) in reference to this question. With respect, however, to the testing of chain cables, he was at a loss to understand how the system proposed by his hon. Friend could possibly be applied. From experience in Government yards he was able to say that the test was not merely applied to new cables. Old ones, which had had years of service, had to undergo a series of examinations before they were served out again to other ships. He was at a loss to understand how to secure to merchant ships what the Admiralty did for the Royal Navy. He could not, therefore, support the Motion.

MR. HASSARD said, that the right hon. Gentleman had entirely forgotten the latter part of the recommendations of the Committee, which was, that from 1861 all ships which came under the Passengers' Act should be required to produced certificates that their cables had been properly tested. No one asked the Government to test the cables themselves, but merely to provide that a proper sanction should be placed upon the marks of testing, and that the forging of the marks should be made penal, so that the parties examining the cables might have some sort of guarantee that the cables had been properly tested when they saw those marks upon them. Lloyds at that moment required tests, but the complaint was that the test was fallacious, and the way the Report proposed to deal with the matter was, by making it necessary that the chain should have passed through a certain test yard.

SIR JAMES ELPHINSTONE said, that when ships were first built they were supposed to start with good gear of every description, and when they came to Lloyds for their second registration they were put into dock, and it would be no hardship to require a second test on that occasion when they took a different class from what they took at first. With regard to restrictions he was opposed to restrictions of all kinds except in cases that affected life. A book was lately issued which showed tha: iesehe last eleven years a total of 6,883 annm;t had lost their lives by shipwreck, and what would the country give now to have those men? [MR. MILNER GIBSON: How much of that loss was owing to bad chains?] Out of a long list of casualties to vessels a vast proportion were set down as "stranded," and if those vessels did not lose their anchors first the commanders must be mad. The argument derived from pumps did not apply, because every ship had got a good pump; and the reason why pumps went wrong was, either because the sand got into them, or they were choked by the shifting of the ship's cargo.

Motion made, and Question,

> "That, in the opinion of this House, it is the duty of Her Majesty's Government to take measures to ensure that all Sea-going Vessels, especially those employed in the Carriage of Passengers, shall be sufficiently supplied with Anchors and Chains, properly tested as to strength and workmanship."

Put, and *negatived.*

LICENCES.—RETURN MOVED FOR.

MR. AYRTON moved for a return of the number of licences granted by the Board of Inland Revenue in each parish within every city and town, and within the county beyond the limits thereof in England and Wales, for the year ending the 30th of March, 1861, distinguishing the licences under certain heads.

MR. PEEL said, he must object to the Return in its present form, as it could not be given without great labour. He called for a Return of the number of each of 14 different kinds of licence in each parish. There were 15,000 parishes and more than

100,000 licences of one description only. He had another objection—namely, the difficulty of obtaining the required information, for the Inland Revenue Office in London did not possess it, but would have to apply to the several local offices throughout the kingdom. He would agree to the Return, if instead of "each parish" it was for each "borough and county only."

Motion *agreed to.*

Return *ordered,*

"Of the number of Licences granted by the Board of Inland Revenue within every city and borough, and within the county beyond the limits thereof, in England and Wales, in the year ending the 30th day of March, 1861, distinguishing the Licences under the following heads:—

Licences under the Certificates of Justices of the Peace:

1. For the sale of Beer only;
2. For the sale of Beer and Wine only;
3. For the sale of Beer and Spirits only;
4. For the sale of Beer, Wine, and Spirits:

Licences under the Act 1 Will. 4, c. 64:

1. For the sale of Beer to be consumed on the premises;
2. For the sale of Beer not to be consumed on the premises:

Licences under the Act 23 and 24 Vic. c. 27:

1. For the sale of Wine to be consumed on the premises,
2. For the sale of Wine not to be consumed on the premises:

Licences held together under both of those Acts for the sale of Beer and Wine:

Licences for the sale by wholesale,

1. Of Beer;
2. Of Beer and Wine;
3. Of Beer and Spirits;
4. Of Wine and Spirits;
5. Of Beer, Wine, and Spirits."

DERRYVEAGH EVICTIONS.

RESOLUTION MOVED.

Mr. BUTT said, he rose to move the Resolution of which he had given notice on the subject. He wished to assure the House that he would not have ventured to revive the question if he had not the conscientious feeling that it was necessary to the peace and tranquillity of Ireland that there should be an inquiry into the whole case. It might take place either by a Committee of that House or by a Royal Commission. Upon that point all he could say was that he would willingly allow it to be made in any way which the Government might propose, but he contended that there never was a clearer case for inquiry. The owner of an estate had evicted the whole of the population on that estate; 47 families, or 350 individuals, had been turned out simultaneously, and their houses levelled to the ground, and that had been done not in the ordinary exercise of the rights of property, but as a punishment for the murder of a steward. In his first communication with the Government on the subject Mr. Adair represented that the state of society in Donegal was such that he had been driven to defend his life and property by his own armed retainers. The Lord Lieutenant, in his reply, called Mr. Adair's attention to the serious responsibility that would devolve on him if he took the step he contemplated. In his next letter to the Government, of the 16th February, Mr. Adair distinctly said that the eviction was not intended to benefit his property, but as an act of public vengeance. There was a distinct allegation on the part of Mr. Adair that it was his bounden duty to remove these people as the only means of ensuring safety to himself and family and servants. He drove these people from his estate. That did not rest upon his own assertion, but had been endorsed in that House by one of the representatives of the county, while the other hon. Member remained silent. They ought not to rest satisfied without further inquiry, and, indeed, they would not do their duty if they did not grant a Commission to inquire into that state of things in the county of Donegal. He could not conceal from himself that these evictions had given rise to a very strong feeling among the higher classes of society and the owners of land in Ireland, and the House ought to express some sympathy for these poor people who had been so cruelly evicted and driven from their homes. Mr. Adair admitted that his was an act of vengeance in superseding the law of the land; and after what had passed in the House there ought to be further inquiry, and, therefore, he begged to move the Resolution which stood in his name.

Mr. VINCENT SCULLY seconded the Motion.

Motion made, and Question proposed,

"That, having regard to the papers which have been laid before this House in relation to the evictions which have recently taken place on the lands of Derryveagh, in the county of Donegal, the nature and extent of those evictions, and the allegations as to the causes by which they are said to have been produced, this House is of opinion that it is expedient that a full and efficient inquiry should be instituted into all the circumstances attending these transactions."

Mr. CARDWELL said, he was not aware that when the question was brought before the House on a former occasion the conduct of the Government was in any way impeached, nor did he think it necessary to defend it. The letter written from the Castle, and his own remarks on the subject, evinced, he thought, very plainly the feelings of the Government in regard to the eviction of so many families, a great part of whom could not have been concerned in the outrage which was said to have occasioned the measure. He also felt it his duty to state that the Government would not have been justified in removing Mr. Adair from the commission of the peace on account of their individual opinion on an act which was not in itself illegal, and the pith and gravamen of the charge having failed, he did not think it would be right to seek in Mr. Adair's correspondence for an excuse for such a step. The former Motion was a Motion for inquiry; but, like the Motion then before them, was simply for inquiry, and not with an express view to any definite result. He would ask them if it were in the power of the Government to invite the House to concur in an inquiry when they did not know the result to which it was to lead? That result was not stated in the Motion, and he had failed to collect it from the speech of his hon. Friend who had moved it. If its object were to discover the person who had committed the murder to which reference had been made in the discussion, he would reply that there were already persons responsible for the inquiry. There were resident magistrates and police on the spot whose bounden duty, earnest desire, and constant object it was to arrive at the discovery of the crime, and to bring the perpetrators of it to justice. But would they favour the discovery of the crime if they appointed a Royal Commission to inquire into it? Such a Commission was armed with no power to take evidence on oath, or to compel reluctant persons to answer the questions which might be put to them. It appeared to him that by such a Commission they might frustrate the object of justice, as they might give publicity to the tracks of evidence by which it was hoped to detect the criminals; but they could not possibly promote the ends of justice. Returns showing the state of the district for the last ten years were ready to be laid on the table, and no Royal Commission could add to the information which would be furnished to the House. The appointment of a Royal Commission might interfere with the efforts of the constituted authorities to detect the perpetrators of the murder, but could not lead to any practical or useful results. He could not, therefore, advise the House to do otherwise than adhere to the opinion which upon the occasion of the former Motion they had expressed.

MR. MORE O'FERRALL said, he regretted the determination of the right hon. Gentleman, particularly after he had condemned, in as strong language as an official could make use of, the conduct of Mr. Adair in regard to those evictions. It was a fact to be noticed in the case that the rent of the parties evicted had been paid up to the moment of their removal. It was a question, then, whether the laws for the protection of property had not been perverted to the purposes of vengeance; and he thought it would be a fitting subject of inquiry to see whether the law could not be so altered as to restrain individual landlords from these gross outrages, while preserving the protection which it afforded to the rights of property. He thought that in such cases a landlord should be made to intimate his intention beforehand to one of the superior courts in Dublin, and that such wholesale evictions should be carried out under the sanction and control of the law. Great sympathy had been evoked by the ejection of these poor people. They were the descendants of those who two hundred years ago were driven from the fertile plains of Ulster. They took shelter in these lone mountain recesses, and remained unnoticed until the modern demand for land tempted speculators, and stories were raised about the crime of the country in order to justify their wholesale eviction. He did not know any case which had excited so much sympathy in Ireland as that referred to, and he thought it a very proper one for a Government inquiry.

MR. MAGUIRE said, he thought the Government not entitled to remove a gentleman from the commission of the peace who had only exercised the rights of property which the law gave him in Ireland; but deemed it the worst part of the case that Mr. Adair had not transgressed the limits of the law. No doubt that his hon. Friend would be satisfied with a Parliamentary inquiry if any special objection existed to a Royal Commission. The picture drawn by the hon. Member for Donegal the other evening of the state of the county was greatly exaggerated. It had been said that a gentleman had been obliged to fly from Donegal because he was in danger of losing his life. The fact was, the gentleman alluded to became insolvent, and had to remove from the county on that account. There was a strong feeling against Mr. Adair among the gentry of Ireland, and resolutions had been unanimously passed at a full meeting of a board of guardians, at which eleven justices were present, proclaiming their indignation and horror at the conduct of that gentleman. An attempt had been made to justify that conduct on the ground of the outrageous state of the county; but, as that was denied by those who knew the county best, he thought it was incumbent upon the Government to step in and inquire into the truth.

Mr. MONSELL said, he thought the Chief Secretary for Ireland had not taken into consideration the special circumstances of this case. He never remembered any case where the eviction of so large a number of persons had been justified by such motives. The indignation of Parliament ought to be brought to bear on every man who was guilty of such a barbarous outrage. An attempt had been made the other night to justify the act of Mr. Adair by reference to the proceedings of the late Lord Lorton in the county of Roscommon. But there was not the slightest analogy between the two cases; for Lord Lorton removed no one from his property except by purchase, and every family received money enough to take it to America. The manner in which the case had been justified, and the atrocity of the case itself, did call for exceptional treatment at the hands of the legislature, and he trusted that his right hon. Friend would not continue to oppose a Motion which was supported by nearly every Irish Member on that side of the House.

Mr. BRUEN said, he regretted that his hon. Friend, the Member for Donegal, was not in the House to justify the statement he had made on a former occasion, which was that night called into question. He did not think that the language of his hon. Friend went to that extent which the hon. Member for Dungarvan seemed to imagine.

Mr. VINCENT SCULLY said, he had hoped some English Liberal Member would have stepped forward and uttered a few words of sympathy with the Irish sufferers who were the objects of that discussion. The case had created more sympathy in Ireland than any other that he had ever known. His own wish in the Motion he had himself made was not for a personal inquiry, but an inquiry into the general subject of evictions. He had, however, given way to the advice of hon. Gentlemen, and especially to that of the hon. Member (Mr. Butt) himself, who had told him that to take up an individual case was no more frittering the subject away than the impeachment of a single statesman was frittering away the cause of the people of India. He had taken more pains to get up the facts than he had ever done before in his life; and he maintained that the allegations made by Mr. Adair respecting the state of the country in the neighbourhood of Derryveagh were totally untrue, and that Mr. Adair had in his possession the means of ascertaining their utter groundlessness. A very able article had appeared in *The Times*, which, in his opinion, set forth the necessity of further information. On the other hand, the Conservative organ in this country had alluded to Mr. Adair's assertions as established. The writer of that article commenced by observing "Mr. Scully has had his meed of revenge, and we congratulate him upon it."

Mr. SPEAKER intimated that it was contrary to the rules of the House to read articles from newspapers in the course of their discussions.

Mr. VINCENT SCULLY said, he would express his regret at having infringed upon the rules of the House, and would conclude by saying that he thought, therefore, a clear case was made out for inquiry, and hoped hon. Members on both sides of the House would concur in granting it.

Mr. W. E. FORSTER said, he hoped the right hon. Gentleman the Secretary for Ireland would not press the House to a division, but would agree to the Motion of the hon. Member for Youghal. The hon. Member for Youghal had stated, and it was admitted by the right hon. Gentleman himself, that society in that part of our common country was in such a state of disorganization that two classes were at war with one another. The landlord stated that for the protection not merely of property but of life, he was obliged to use his rights of property for vengeance. He thought that the House should have information as to what brought society in any part of the United Kingdom into such a state, and he should, therefore, support the Motion.

Viscount PALMERSTON: I am not at all surprised that the transaction which has been the subject of discussion should have excited a great amount of feeling, both in Ireland and in this country. I do not find fault with those who have thought it expedient to discuss it in this House, in order to elicit the opinions and sentiments it entertains upon that transaction. But at the same time I must say, when the House of Commons is called on to address the Queen for a Commission of Inquiry into the subject, the question assumes a different character. I think the House should pause and deliberate carefully before it takes any step of that kind. There is no doubt of the powers of the House of Commons; those powers, I may say, are almost unlimited. But great as those powers are, there ought to be a limit to their exercise. It ought to be very careful in the exercise of powers that are not denied, not to overstep that bound, and exercise its powers in a manner not justified by the principles of the constitution. It may very properly inquire into any public transaction, or into the conduct of the Government, or any matter affecting the interests of the nation at large. But it would be a most outrageous and dangerous abuse of the power of the House if it interfered with the private transactions of any individuals within the limits of their legal rights. If they have done anything beyond the limits of the law, if, from any motives whatever, they may have exceeded their power, the law itself will correct the evil. But it is not necessary for this House to interfere unless the Government has had a duty to perform, and has neglected to perform it. That might have been urged, had it been shown that the Irish Government ought to have removed Mr. Adair from the commission of the peace. But I am prepared to show, and it has almost been admitted, that this is not the case; the Government, therefore, ought not to be taken to task for not having done it. We are now called on to make an inquiry into the subject. What is to be the consequence of that inquiry? The hon. Member who spoke last says the state of Ireland is dreadful—that there is a war raging between different classes. I am not aware that that is the fact; certainly it is not in the county with which I am connected, which is not very remote from Donegal. I am not aware that such a calamity exists as a war of classes. But we are called on to institute an inquiry; it might be a fair reason for inquiry into the social state of Donegal, if it was alleged that the county is in a state of insurrection and lawless violence, that crimes are committed there every hour in the day, and that some effective measures are necessary to repress them. So far a knowledge of the state of Donegal might be the foundation of proceedings to be taken either by the Executive Government or by the House. Well, this material will be furnished to the House immediately by the Return moved by the hon. Member for Donegal of the amount of crime in that county committed during the last ten years. When that Return is made it will be for the House to consider whether it furnishes grounds on which other steps ought to be taken, or whether a Coercion Act ought to be applied to that county. If it should be thought, on the whole, that no inquiry into the state of Donegal is necessary, are we to address the Crown to ascertain who was the guilty party in the murder of Mr. Murray. [" No!"] My hon. Friend says " No," and certainly no sensible man can say " Yes;" for, if this House is to address the Crown for a special inquiry into the circumstances of every such murder, that would be assuming the functions of the Executive Government, and imposing on the House duties quite foreign to its attributes. We might much sooner address the Crown to investigate the Road murder, that excited so much interest in the public mind, or any of the strange murders that are from time to time committed. The object of inquiry, therefore, not being the state of Donegal or the murder of Mr. Murray, the only question that remains is the exercise by Mr. Adair of his unquestionable right to eject his tenants; but that is not a fit subject for an inquiry by this House. If any one alleges that he has exceeded his legal power over his tenants, they or their friends have a remedy by process of law. But it is admitted that this exercise of power on the part of Mr. Adair was within his legal attributes and functions. If the House is to inquire into the conduct of individuals in exercising the rights the law gives them merely because it considers and, perhaps, justly considers them in the wrong, and not justified by the circumstances of the case, then I say we may assume to be the censors of the private conduct of every private individual in the country, and our authority would be carried to the extent of abuse. The House of Commons, I trust, will never be induced to take the first steps in such a proceeding. I do not mean to justify Mr. Adair. I have a great abhorrence of the system of clearing estates, that has been practised extensively in parts of Ireland, though not so much of late years as formerly. But when hon. Gentlemen say that this act of

Mr. Adair is more unjustifiable than any similar clearance that ever was enforced, I must dissent from that proposition. When a man, merely from interested motives, and for the purpose of filling his purse, ousts hundreds of unhappy beings who cannot find a refuge anywhere but on the roadside, in the suburbs of a town, or—since the establishment of the Poor Law—in the workhouse, the Act is far worse than that committed by Mr. Adair. I am not going to justify him, but he might allege that the interest of society was his object; that the Ribbon conspiracy had spread among his tenants, and the only way to check it was to let its agents see that they could not execute their vengeance without punishing many persons in whom they took an interest. That may have been a wrong view, but it is one that could be urged in justification, and a person who acted with this object stands on fairer ground than the man who acts solely on the sordid motive of self-interest. I say again I am not defending Mr. Adair. A man's mind must, indeed, be very much distorted who can fancy it a real justification for sweeping away a whole population that he thought they ought to give evidence against a murderer, when probably they knew no more about the deed than he did himself. But the House of Commons cannot inquire into the motives from which an individual has exercised rights that none deny. With reference to Mr. Adair, therefore, there is no proper ground for inquiry. But the hon. Member for Kildare (Mr. More O'Ferrall) says the House should inquire with a view to legislation. My hon. Friend said that we might inquire with a view to legislation, and recommended the introduction of a measure giving fixity of tenure in Ireland. I may remind him, however, that the facts as they would affect such a measure are all granted, and that, therefore, on that account no inquiry is needed. I hope that the House will not be led by feelings which are honourable in themselves into what would be an entire departure from the proper functions of Parliament, and might lead to abuses so intolerable that the whole country would rise in indignation against the proceedings of this House.

Mr. MORE O'FERRALL said, that he had been misrepresented unintentionally by the noble Lord. He had not said one word about fixity of tenure or permanent tenure. What he had said was that an inquiry might be instituted as to whether the law had not been misapplied for purposes of vengeance, and, if so, whether such an alteration could not be made as would prevent landlords from applying the law to such purposes?

Mr. BUTT in reply said, he must deny that the conduct of Mr. Adair was a private transaction. Upwards of 200 policemen, who were supported by the country, were brought to the aid of Mr. Adair for the purpose of ejecting his poor tenants. Was that not a public transaction? The people of Ireland would be justified in inferring from the tone of the Government speeches that there was no sympathy for them in that House, and he would warn the Government that that opposition to the wishes of every one of their Irish supporters, could not, in the nature of things, continue much longer, and that they would soon lose all Irish support.

Question put,

The House *divided:*—Ayes 23; Noes 88: Majority 65.

CADASTRAL SURVEY COMMITTEE.

RESOLUTION.

Viscount BURY said, he would move that the Select Committee have power to adjourn from place to place.

Sir STAFFORD NORTHCOTE said, he should be glad to know to what the Committee referred.

Mr. SOTHERON ESTCOURT said, that hon. Members would be glad to have some explanation of the scope and objects of the inquiry pursued by the Cadastral Survey Committee, and why it should be anxious, in the terms of the notice, "to adjourn from place to place."

Viscount BURY said, the Committee was appointed to consider whether a part of Great Britain which had been surveyed on the 1-inch scale should be re-surveyed on the 25-inch scale. Sir Henry James had invented a number of improvements for reducing the cost of maps on a large scale, and the Committee sought power to proceed to Southampton for the purpose of witnessing experiments in connection with those inventions.

Motion *agreed to.*

Ordered, That the Select Committee on the Cadastral Survey have leave to adjourn from place to place.

House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, July 3, 1861.

Minutes.] Public Bills—3° Labourers' Cottages; Metropolitan Police Force Pensions; Tramways (Ireland) Act Amendment.

UNIVERSITY ELECTIONS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 (Electors to vote by means of Voting Papers),

Mr. AYRTON said, he would propose to omit the words "nominate any elector or electors." In the Select Committee on the Bill he (Mr. Ayrton) had proposed that a voter might give his vote without going to the poll by going before a magistrate, and making a declaration as to the candidate for whom he voted. The Committee, however, did not adopt that suggestion, but allowed the clause to stand, by which any person entitled to vote at an University election, having filled up his voting paper, was authorized to send it to another elector by whom it should be presented to the returning officer. The effect of that provision would be to introduce a system of voting by proxy, because the voter might send a number of papers filled up with different names, and leave the recipient to use which of them he pleased. He would put it to the Committee whether it was expedient to sanction so wide a departure from the principle on which English elections were conducted, as that one elector should have the control over another's vote? In his view, the proper course to follow in the case of non-resident voters was for each voter to vote at the place where he resided, and that some machinery should be arranged by which the vote should be transmitted to the returning officer of the University to be properly recorded. It seemed to him that it would be better to disfranchise the University altogether than to sanction the principle adopted by the Bill.

Amendment proposed, in page 1, line 9, to leave out the words "nominate any other Elector or Electors of the same University."

Mr. DODSON said, that the principle of the Bill had been already sanctioned by the House upon the second reading, and was to the effect that provided the voting paper had been signed before a creditable witness it should be received at the poll. The hon. Member for the Tower Hamlets treated that as a vote by proxy; but the essence of proxy was that a man empowered another to do something for him at the discretion of that other man. But in the case contemplated by the Bill the person who handed in the voting paper was simply a vehicle. He merely took the place of the postman, and if he wrongfully tendered the vote he would expose himself to the same penalties as an elector who voted twice. He did not think the alteration proposed was either important or necessary, and as its introduction would involve the re-casting of the Bill, and thus preclude its passing during the present Session, he must oppose it.

Mr. HENLEY said, he thought the Bill was one which would require very careful consideration. The Bill provided that after the proper officer had made a declaration that the election was to take place on a certain day, up to that time the voter might sign a paper before a magistrate and hand it over to some gentleman resident in the university to tender it in his behalf to the returning officer, but no provision was made for successive candidates coming up. Was there any provision for withdrawing the papers when once given; and might a man give two, three, or more of those papers to be made use of according to circumstances? It was said that it was not proxy, but it appeared to him worse than proxy.

Mr. DODSON explained that the voter might change his mind up to the time the paper was handed in. If a fresh candidate came into the field, unless the paper was actually handed in it would be in the power of the voter to withdraw it.

Mr. HENLEY said, that when the voting paper was given in *cadet questio;* but when A had sent his voting paper to B to be delivered to the returning officer, had A the power of withdrawing it?

Mr. DODSON said, that it was like sending a letter by one's servant—once it was put in the post it could not be withdrawn; so, once the paper was handed to the returning officer it could not be withdrawn, but up to that time the voter might do so.

Sir GEORGE LEWIS said, the proposition was one of considerable importance, not only because it introduced a new system of voting in the Universities, but because, that system once established on the statute book, it would be regarded as a precedent for counties, and also possibly for boroughs. The objections raised to the Bill were by no means satisfactorily or conclusively answered. In the first place, it had been shown to depart from the established principle that a man was master of his own vote; the person to whom duplicate and possibly triplicate proxies were to be forwarded having an entire discretion as to the candidate for whom the vote of the absent elector was intended, and even a power of withholding it altogether. He would be in the position of a Peer in the other House of Parliament, to whom, according to the established doctrine as laid down by Mr. May, was delegated "the absolute right of decision, without any reference to the opinion of the absent Lord, expressed even after the signature of the instrument." But Members of the House of Lords were limited to a small number of proxies, while in the Bill there was nothing to prevent an indefinite number from being placed in the hands of one individual. The principal of a large college, the leader of a religious body, anybody with considerable influence among the mass of the electors might easily get fifty or sixty votes, or even more, placed in his absolute discretion, and, by withholding these till the last moment, he would practically become arbiter of the fate of candidates, and by exercising a power almost resembling that of nomination, which it had always been the object of the House to put down, where parties were evenly balanced, he might almost convert one of the Universities into a rotten borough. If these were not objections to the Bill, they were certainly consequences necessarily flowing from it, which ought to be very carefully considered by the House before sanctioning this measure. Again, the holder of the proxy might altogether suppress the vote of the elector whom he represented, for it was the essence of a proxy that the holder was put into the shoes of the donor, and might give or withhold the vote as he pleased. But let the principle be extended to counties, and let an active political agent collect the votes of 500 or 600 nonresident freeholders, and it would soon be evident what a new and formidable power the House was invited to sanction. There was another consideration, not of equal importance, but which ought still to have some weight. In the case of ordinary elections candidates met their constituents in the shire or town-hall, and were liable to be questioned and called to account for their opinions; moreover, during their canvass they were to a great extent brought into contact with the electors, who, by a sort of rude yet wholesome process, acquired an insight into the opinions of their representatives before their election. The pursuit of canvassing was useful rather than pleasant to most Members, but he should look with great disfavour upon any change in the electoral system which would tend to diminish the intercourse between a candidate and his constituents. In Universities, on the contrary, it was the etiquette for candidates not even to issue addresses to their constituents; they made no public declaration of their opinions, and did not canvass the electors. The consequence was, particularly in a highly-educated constituency, that many of the voters were likely to be influenced by arguments, by representations, and explanations as to facts; and it was, therefore, highly desirable that they should be allowed the benefit of reflection. But a voter in Truro or Carlisle who had to sign his paper and send it off was practically called upon to antedate his vote by several days, during which explanations might be afforded, or possibly a change of opinion effected.

MR. ROEBUCK said, that the law at present was that a man could vote by going to the University. What the hon. Gentleman now proposed to do was, to save the voter that trouble by enabling him to record his vote without going to the University. The difficulty with regard to a plurality of voting papers might be got rid of by enacting that the voter should only be allowed to sign one paper, and if he wanted to revoke it that he should come up and vote in person. If the holder of a proxy were compelled to put it in he would not enjoy any objectionable discretionary power; and even if he collected a number of proxies he would have no more influence than was at present exercised by a man who got a number of his friends round him and induced them to vote as he desired.

MR. LOCKE said, if voting papers were to be used at all the only safe plan would be to cause them to be sent direct to the Vice Chancellor. If influential private individuals were allowed to collect proxies the result would be that "the dons" would return anybody they pleased. He denied that those upon the spot were better judges of the merits of a candidate than the outvoters who mixed with the world. On the contrary, when he had gone up to record voting, and he should, therefore, give his his vote, he found the persons residing in the University not only not in advance, but very much behind the rest of mankind. In the present day there was but little difficulty in voting at a college election. Formerly it was necessary to go up by coach, and sometimes to sleep on the way. Now, but little more than an hour was required to run down by railway from London; and the dinner in the hall, where old friends met, was one of the most pleasant reunions which could be wished for. The change contemplated by the Bill was not introduced for the sake of the voters residing in London, but of those who used to be called "Fen parsons." During French revolutions, it was said, a class of men came to the surface who were never seen except in troubled times. In the same way at University elections, parsons came up in brown cord-breeches and top-boots to give their votes, and had an opportunity of mixing with the rest of the world, but should this Bill become law and enable them to vote by proxy they would never be seen except by their parishioners in the Fens. It was desirable to continue the present system, if only to afford these clergymen the occasion for meeting the ordinary class of human beings. He had heard no answer given to the objection that had been urged that the recipient of the papers might record the vote or not as he pleased. He looked on proxy voting as a perfect abomination, and he wished to warn hon. Gentlemen opposite that if introduced the bulwarks of the Constitution would be broken down; for if the House adopted the principle with regard to the Universities it would be attempted with respect to other constituencies.

Sir STAFFORD NORTHCOTE said, he had not been a member of the Committee to whom the Bill was referred, but as he knew probably as much of University elections as most Members of that House, having been engaged in three contested elections, he wished to confirm the statement made by the hon. Member for the Tower Hamlets, that papers would be sent up in duplicate and triplicate, with instructions to proxy holders to exercise a discretionary power in using them. When the contest lay between two candidates for a single seat, no difficulties with regard to proxies were likely to arise; but where there were three candidates for two seats, there would always be a struggle to obtain split votes, and the electors would seek by their papers to act in the same way as they now did with their votes, which they were willing enough to split, providing their favourite was safe; but if his seat were endangered they plumped in his favour. If the Bill passed they would send up two papers, one filled up as a plumper, and the other with a split vote, with instructions to use one of them according to circumstances. Whatever might be said in favour of the general principle of the Bill, he should certainly object to anything which would encourage proxy voting. He should, therefore, give his vote in favour of the Amendment of the hon. Member for the Tower Hamlets.

Mr. HUNT said, he thought the precautions which the Committee had introduced into the Bill had been rather lost sight of. It was thought that if the holding of proxies were limited to those who would be able solemnly to declare that they were personally acquainted with the absent elector, and that they believed the paper correctly represented the vote which he intended to give, a satisfactory limit would be imposed to the accumulation of proxies. The 5th Clause provided that any person fraudulently withholding a voting paper should be held to have committed a misdemeanour, and be punishable for that offence; and to meet the objections which had been raised in the course of the discussion he proposed to add these words—

> "Provided that no person shall be entitled to sign or to vote by more than one voting paper at any election, and shall declare before a magistrate that he has not signed more than one voting paper."

He, likewise, thought the personal vote of the elector ought to supersede the authority of the voting paper, and, therefore, he would suggest the addition of these words,

> "Every elector shall be entitled to vote in person, notwithstanding that he has duly signed and transmitted his voting paper to another elector, if such voting paper has not already been tendered at the poll."

The Bill so altered would then contain every reasonable security and would afford a very great relief to a large class of University electors.

Sir GEORGE LEWIS said, it was no doubt possible to amend the Bill in the way suggested, but taking it as it stood, which was the only form in which it could be dealt with, it did not seem to offer sufficient securities in relation to proxy vote in favour of the Amendment of the hon. Gentleman the Member for the Tower Hamlets, which, he understood, was directed against that part of the Bill which affirmed the principle of proxy voting. His objections to the plan proposed were these —first, that the Bill admitted a duplicate and triplicate vote; secondly, it allowed the elector to withhold the vote at his discretion; and thirdly, it allowed a person to hold a plurality of proxies. The personal experience of the hon. Baronet (Sir Stafford Northcote) ought to have great weight with the Committee, and it was, on the whole, a question whether the system which it was proposed to introduce would not contain more evils than the one which it was sought to amend.

Mr. WHITESIDE said, he would admit that it was possible to take objection to the Bill in its present shape, as well as to the shape in which it was first introduced. The right hon. Gentleman had very clearly pointed out the objections to proxy voting, and he might, likewise, have pointed out the objection to voting papers. But it must be recollected that the question referred to the Committee for decision had reference to the best mode for carrying out the object which the House, by entertaining the Bill, appeared to approve. It was difficult to decide a question which had to be determined by a preponderance of evidence. The Vice Chancellor of Oxford was invited to give his opinion on the very question at issue, and he declared himself in favour of voting by proxy, and gave his reasons. A witness from the University of Dublin suggested that to prevent fraud these proxies should be tendered by an elector, who should be prepared, if required, to state on oath that he was acquainted with the voter from whom he had received the proxy paper, and that it was in his handwriting. The Vice Chancellor of the University of Oxford declared that if a vast number of voting papers were received pending an election there would be great difficulty in verifying them. That that was no idle objection was proved by a fact which came within his own knowledge, where for a Poor Law election, apparently of minor consequence, some hundreds of fraudulent voting papers were sent in. Had the safeguard been required in each case that proxies should be sent to persons in whom the voters had confidence, such an occurrence could never have taken place. He entirely objected to the duty being thrown on the returning officer of scrutinizing hundreds of voting papers as best he might. The Bill appeared to have so many opponents, and so few friends, that he was afraid the clergy in the country would be compelled to go on voting in the present troublesome and expensive manner; and that the hon. and learned Member for Southwark (Mr. Locke) would continue under the painful necessity of seeing Gentlemen as enlightened as himself coming up at intervals to inform the University how much they were behind the intelligence of the age.

Mr. COLLINS said, he should support the Bill, as he thought non-resident electors who still formed part of the Universities ought not to have difficulties thrown in their way in exercising the franchise. The course which the Committee ought to pursue was to go on with the clause and afterwards amend the Bill in other respects, if they should arrive at the conclusion that it needed Amendment.

Sir WILLIAM HEATHCOTE said, he felt that the question was involved in difficulty; but he thought that the plan of sending written papers by post was open to greater objections than those which would exist in case of voting by proxy. There was hardly one of the objections to voting by proxy which would not apply to papers sent by post; and, in addition, there would be, in the case of the latter, fresh difficulties arising from uncertainty in the carriage of these papers. If doubts and mistakes arose, they would have, for the first time, petitions in the case of University elections. He thought, therefore, that if the plan could be safely worked at all it could only be by employing persons as provided by the Bill as it then stood, to act as proxies, and as little more than messengers to deliver the votes at the elections. At the same time he was bound to say that he could not answer some of the objections of his right hon. Friend the Home Secretary; and, under these circumstances, he would suggest whether it might not be well to let it stand over for another year, in order that it might be more fully considered?

Mr. ROEBUCK said, he was not surprised at the difficulties raised by the Members for the Universities, because when the mode of voting in that House was being altered the same doleful cries were heard. They were told that the new system would never work; that they were departing from the safe course laid down by their ancestors, and, in fact, that they were going headlong to perdition. Well, they changed their mode of voting, and the functions of the House had been as well performed since then as they had before the change. When the hon. and learned Member for Southwark talked of parsons in the Fens it was to be remembered that while a journey to Cambridge might be a matter of entertainment to him it might not be regarded in the same light by gentlemen with large families and small means. He would give the right of voting in all cases in which it could with safety be conferred, and have it attended with the least possible difficulty. It had been found that since voting papers were used in parishes a much larger number of persons took part in the voting than had previously done so. Though he did not agree generally with the clergy of the country, he thought them an honourable and intelligent body. The whole difficulty arose from the possible variety of votes that might be given by the same individual; but if there were only one paper given, and if that could be revoked only by the person himself, no danger could result.

MR. AYRTON explained that, in moving to omit the words he did not do so with the view of proposing any plan of his own. He did so, because he thought the plan proposed by the Bill an objectionable one, and one which ought to be rejected.

MR. WALPOLE said, that having taken a part in the proceedings of the Select Committee, and supported his hon. Friend the Member for Northamptonshire (Mr. Hunt), he was anxious to explain why he approved the form in which that hon. Member wished the Bill to pass, rather than that in which the hon. and learned Member for the Tower Hamlets admitted he wished to put it. The difficulties of the case were very great, though in the object of the Bill the Committee generally seemed to be agreed. It was conceded that, when constituencies were scattered over the country, it was unreasonable to deprive them of the right of voting except at a great expense and inconvenience. The difficulties of allowing those constituencies to vote without such expense and inconvenience arose when they came to consider the machinery by which effect was to be given to the leading principle of a Bill of this kind. Serious objections existed to voting by paper without sufficient checks. Who was to ascertain whether the voting paper was that of the person from whom it purported to come? It might be answered, "There would be witnesses to that effect." But, supposing that to be challenged, the result would be that for the first time they would have scrutinies in the Universities to see if the votes were correctly given. Canvassing would be going on, and they would have all kinds of—he would not say frauds—but mistakes. Now, they were bound to provide against that as far as possible. His opinion was that they could guard against such evils only by requiring some person to appear and be responsible for the vote tendered, and who should then and there tender it. It had been suggested that under the Bill one man might hold 100 proxies. That might be a reason for limiting the number to be held by any one person, but it was none for supporting the Amendment. On the whole, he had arrived at the conclusion that no plan was so safe, practical, and good, as that which the Select Committee had adopted. He thought that the Members for the Universities were much indebted to the hon. Member for Northamptonshire; and he had much pleasure in supporting him in the form in which he had cast the Bill.

MR. LOWE said, that the object of the Bill was to relieve the voters of the Universities from that inconvenience to which they, in common with other non-resident voters in the country, were subjected in coming up to vote at elections. It was very desirable that should be done, if it could be done without creating a greater inconvenience than the one which it was proposed to remove; but there was no obligation on that House to adopt any plan by which a greater difficulty might be introduced than that which they desired to get rid of. It must be remembered that the inconvenience sustained by the non-tesident voters of the Universities had been much mitigated by the establishment of railways throughout the country. They were much better off than they were thirty years ago; still, if greater facilities for voting could be given to them, without introducing any serious difficulty, he should be glad to assist in affording it. It must, however, be remembered that the Bill now before the Committee had never been read a second time. The proposition contained in the Bill which they had read a second time had been negatived by the Select Committee, because it seemed to them impossible that Parliament could adopt a scheme by which any one might send up his vote in a letter without some system of attestation. In order to relieve the class to whom the measure applied, the Committee had adopted a new principle. They had submitted, as a substitue for mere voting by paper, something like a system of double election; and their scheme was one under which individual residents might obtain enormous influence in University elections. While he was at Oxford he had something like 200 pupils; and had he kept up communication with them for election purposes, under a Bill like the one before them, it would have been possible for him to wield a power at the elections of that University which it would be quite improper for any one to exercise. The change which it was now proposed to make was a most serious one; and, as men of the world, the Committee would see that the Bill would not act in the manner proposed, but would react on the constituencies throughout the country. The residents of Universities would write to non-resident voters and request them to send their proxies. In that way power might get into a few hands, and a sort of oligarchy might be established which would exercise an influence over the University very like that assumed by the caucus meetings in America over some of the institutions of the United States. Should any such thing take place, it would make the at present distinguished position of University representatives one to which gentlemen would not be so anxious to aspire. Considering that the principle of the Bill was one which had never been submitted to the test of a second reading, and that on the face of it there was a practical objection to the manner in which it was proposed to effect the object in view, would it not be better to adopt the course referred to by the hon. baronet the Member for the University of Oxford (Sir William Heathcote), and put off the further consideration of the question for a year? Common sense suggested that they ought rather endure the evils they had than adopt a principle of which they had no experience, and which might produce evils such as none of them had contemplated.

Mr. LEFROY said, that he preferred to support the Bill in its present shape to adopting the Amendment proposed by the hon. and learned Member for the Tower Hamlets.

Mr. DODSON said, he could not admit that the principle of the Bill now before the Committee was not that which they had sanctioned on the second reading, that principle was voing by papers. The constituents of the University of Oxford were 3,600 in number, out of which 260 were residents. Of the residents, from 80 to 90 per cent voted; of the non-residents only about 50 per cent voted; and it was, therefore, clear that the representation of the University was unduly in the power of the residents. It was, then, desirable that a scheme should be adopted which would enable the non-residents to take their fair share in the selection of the University representative. He had no fear of the evils suggested by the right hon. Gentleman the Member for Calne (Mr. Lowe). Did he believe that, under any circumstances, the right hon. Gentleman would become a "boroughmonger" he certainly would not trust him with his voting paper. As to the safety of the voting papers *in transitu* and their arriving in time, it would be for the voter to adopt the same precautions as those which he at present practised when having himself conveyed by railway to the place of polling. If the Bill were passed, instead of having the voting for University Members confined, as at present, to two-fifths of the electors, they would as fairly vote out the whole of the University constituencies as they now did the other constituencies of the country; and he believed that under the altered system the Members for the Universities would be listened to with even greater attention than they at present commanded.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 120; Noes 74: Majority 46.

Mr. BUTT said, that as the clause stood the electors would have to send in their signed votes before it could be ascertained who were the candidates. He would, therefore, propose the omission of the words, "Every such voting paper shall bear date subsequently to notice given by the returning officer of the day for proceeding to election," in order to substitute the words, "Every such voting paper shall bear date subsequently to the day on which the election commences." The voter would then be in a position to know who were the candidates.

Line 13, Amendment proposed,

"To leave out the words 'subsequently to notice given by the Returning Officer of the day for proceeding to Election,' in order to insert the words 'on a day subsequent to the day on which the Election is to commence.'"

Mr. DODSON said, he did not see any need for the Amendment, because if a voter had any suspicion that a new candidate might be started at the last moment, he might delay signing his paper. The effect of the Amendment would be to concentrate all the voting papers upon the last day or two of the poll, which he thought would be very prejudicial.

Mr. SOTHERON ESTCOURT said, that the arguments for the Amendment might apply to Dublin University; but there was nothing at all in the elections at the Universities of England which would make such an Amendment necessary. At any rate, at the University of Oxford he thought the time afforded would be sufficient for all purposes.

Sir GEORGE LEWIS said, he understood that the objection was not that the time was not ample enough, but that it was too ample. By the Bill as it stood, a person might give his vote after notice of the day of proceeding to election; or, in other words, a person might give his vote before he could know who were the candidates. That certainly was giving ample time, and the Amendment was to reduce it. It was not easy after the different explanations which had been given to understand the exact principle of the Bill, but as far as he was capable of forming an opinion on so fluctuating a measure, he should support the Amendment. By the clause a day was named for giving in votes, which actually preceded the election. At Oxford there was a meeting of the Convocation for the nomination of candidates. Votes were taken on the occasion, and the pollings afterwards were only adjourned meetings of the Convocation. Now, it seemed very absurd that, before the Convocation met, and before candidates were nominated, absent members should be allowed to send in their votes.

Mr. STEUART said, he should oppose the Amendment. Voters in Scotland would not have time to send their voting papers if the restriction was adopted. Besides, the Amendment would have the effect of keeping open the election for five days, whereas it might often be closed in three days by mutual consent.

Sir WILLIAM HEATHCOTE said, all that the clause proposed was to empower a person named in the paper to vote in favour of some particular candidate. It would be perfectly competent for that person to vote for some one who might not have been proposed or nominated at all. At Cambridge there was no nomination. At Oxford there was a nomination; but, if any elector, after the election had begun, chose to vote for A or B, who had not been previously proposed, the very fact of his sending in a signed paper voting for him would have the effect of putting him in nomination. He apprehended that, under any arrangement that would be made, persons residing at a distance would always have a difficulty in ascertaining who were the candidates at any precise moment while the election was going on. That was a difficulty which could not be avoided.

Mr. ROEBUCK said, the clause would not allow an elector to vote before the election began, as had been represented by the right hon. Gentleman the Home Secretary. Its only effect would be to give power to some person to vote for the elector when the time came. He could see no harm in that.

Sir GEORGE GREY said, the signed paper was not a paper giving power to another to vote, but was actually a vote given. On the very day on which the notice of the election was given a voter might send in a vote for a particular person, though it was impossible he could know who the candidates were to be. Was the House prepared to allow candidates to be nominated by proxy in the way stated by the hon. Baronet the Member for the University of Oxford?

Mr. COLLINS said, he would remind the Committee that the Bill was not a compulsory one; and that voters might come up to the last day of the poll and vote in person.

Sir GEORGE GREY said, that there was no provision enabling them thus to cancel their voting papers.

Mr. COLLINS: The right hon. Baronet might, at all events, bring up a clause giving voters that power.

Mr. HASSARD contended that the signed paper would be no vote. The elector was not bound to stand by the paper.

Sir STAFFORD NORTHCOTE said, that at the last moment a new candidate might be proposed, and if any person were to give his proxy beforehand he did not see how it could be done except upon the principle of entrusting one's conscience to a third party. He thought that voters ought to wait until they saw who the candidates were.

Sir GEORGE LEWIS said, he agreed that the final act of voting was in the delivery of the paper; but if the Committee took their stand upon that, they must admit that the proxy had complete authority over the vote, and power to mould it at his will. ["No, no!"] Then the final act was the signing of the paper; and if it was done before the nomination, it would be voting on speculation—merely firing the vote into the air.

Mr. DODSON said, that any man might now fire his vote in the air; for the Vice-Chancellor had mentioned a case in which a gentleman had come up all the way from Cornwall, and insisted on voting for Sir Robert Inglis, who was already Member for the University, and whose seat was not in question.

Mr. ROEBUCK said, that if A. B. got a sufficient number of votes, he would be elected, whether he had been nominated or not.

Sir GEORGE GREY said, he could not agree to the position of the hon. and learned Gentleman. If a candidate had not been proposed and seconded by two electors, he would not be elected if all the constituency voted for him.

Mr. HUNT said, the right hon. Gentleman (Sir George Grey) was entirely mistaken as to the law of the land. He believed he was correct in saying that the law was, that even after a nomination had taken place and a poll had been demanded a voter was entitled to vote if he chose for a fresh candidate, and that fresh candidate would be duly elected if he had the majority of votes. All the legal witnesses examined before the Committee on the Bill said that was the law, and it was accepted as such by the Committee.

Sir GEORGE GREY was surprised to hear what had fallen from the hon. Member. The law of the land, as he had always understood it, was that the election took place at the time of the nomination, and that a poll was resorted to to decide on whom the election had legally fallen. In other words to verify the result of the show of hands.

Mr. HUNT said, that what the right hon. Gentleman had stated about the nomination was perfectly true, if no poll was demanded; but if there was a poll it was open to anybody to vote for any candidate he pleased, and such a vote operated as a new nomination.

Mr. DODSON said, he could confirm what had fallen from the hon. Member (Mr. Hunt) as to what took place before the Committee. It was clearly stated before the Committee, and held to be the law, that any voter might go to the poll and vote for a candidate, whether that candidate had been nominated or not.

Mr. WALTER said, he thought the real question before them was one which the Postmaster General would be the right person to settle. That question was whether, in the case of a non-resident elector living in a remote part of the country, sufficient time was to be given him to avail himself of the privilege of voting. He had voted in the minority at the last division, because he was not in favour of the particular machinery laid down in the clause; but it apeared to him that they would render the Bill nugatory as regarded voters residing in the extreme west of Ireland or north of Scotland if they were to be restrained by the conditions laid down in the Amendment, and only allowed to exercise the privilege of sending in their signed papers after the nomination of candidates.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 138; Noes 86: Majority 52.

Clause *ordered* to stand part of the Bill.

Clause 2 (Voting Papers to be read, and Votes recorded),

Mr. HUNT said, he would move to insert, after the word "entitled," in line 26, the words "to sign or." His object was to provide that no person should sign or vote in respect to more than one voting paper. If he should sign a paper, and then determine to vote for some one else, in order to cancel the voting paper the voter would have to go to the University in person.

Amendment *agreed to.*

Mr. DARBY GRIFFITH said, he thought that a declaration of personal acquaintance with the voter on the part of the person tendering the voting paper would be in many cases very inconvenient. An unscrupulous person would think nothing of it, while to a conscientious man it might be very embarrassing. He moved that, instead of a declaration that the person offering the vote was "personally acquainted with the voter," he should declare that he "verily believed this was the voting paper of such a person."

Mr. E. P. BOUVERIE said, that a committeeman might, under the Bill, hand in a mass of fraud and forgery. He was not to be asked if he knew the handwriting of the voters, which would be some security for the authenticity of the voting papers.

MR. COLLINS said, that the voting paper would be filed, and every one would have access to them. The poll-book of the University would always be published, and it would be easy to prove the forgery fore an election Committee if any voting paper were forged.

MR. CONINGHAM said, the Bill was calculated to throw an amount of power into the hands of certain resident members of the University which was most objectionable. It was a monstrous proposition to introduce the system of voting by proxy in the election of a Member for any one of the Universities.

MR. WALPOLE remarked that the vote would be signed in the presence of a justice of the peace, who would forward it. The object of the declaration was not to test the validity of the signature, nor was it, properly speaking, a voting by proxy. The elector voted as he pleased, and his paper was intrusted in confidence to some person to deliver.

SIR GEORGE GREY said, he thought that if these words were omitted from the clause it would be necessary to restrict the number of proxies which any elector might hold.

SIR WILLIAM HEATHCOTE said, he was in favour of retaining the words in the clause.

SIR GEORGE LEWIS said, he was disposed to agree with the hon. Member for Devizes, that these words would be no restraint to some members of election committees, whose eagerness might be great at the moment of contest, and a very slight acquaintance would be considered as sufficient ground for making the declaration. He doubted whether it was desirable that the words should stand. The Bill, in his opinion, would diminish and increase the power of the resident electors. It would increase the power of the few and diminish the power of the great body of the resident members. It would enable a few members to exercise an undue influence upon a contested election. Nevertheless, he saw no disposition on the part of the Committee to counteract the evils which, in his opinion, would arise from no limit being fixed to the number of proxies that a person might hold.

MR. ROEBUCK observed that the Committee were generally agreed that it was not desirable to limit the number of proxies any person might hold.

SIR GEORGE GREY said, that the Vice Chancellor was, under the clause, obliged to receive and record every vote that was brought to him duly signed. The clause ought to provide that no person should vote in person and also by voting paper.

MR. HUNT said, he intended to move a proviso to effect that object.

Amendment *negatived.*

MR. E. P. BOUVERIE said, that as a provision against the forgery of the signature to a voting paper, he would move as an Amendment to insert, after the words "personally acquainted with A. B." to add "and that I know his handwriting, and believe this to be his signature."

MR. WALPOLE thought the right hon. Gentleman had overlooked the fact that the voting paper had been already authenticated by the justice before whom the document was signed. The voter was sufficiently identified when the instrument was tendered by the party who stated that he believed it came from the voter. No other words were necessary.

Amendment *negatived.*

SIR GEORGE GREY moved the following proviso :—

"Provided that no such voting paper shall be received and recorded if the person signing the voting paper shall have already voted in person at the said election."

Proviso *agreed to.*

The following proviso was also added :—

"Provided also that every such elector shall be entitled to vote in person, notwithstanding he has duly signed and transmitted the voting paper to another elector, if such voting paper has not been tendered and received at the poll."

Clause, as amended, *agreed to.*

Clauses 3 and 4 were also *agreed to.*

Clause 5 (Penalty for falsely signing Voting Papers),

MR. HUNT said, that when they came to the schedule he proposed to make the voter declare that he had not signed any other papers at that election. He proposed to make a false declaration on that point a misdemeanour equally with the other false declarations in the Bill, and moved the introduction of words to effect that object.

Amendment *agreed to.*

Clause *agreed to,* as was also Clause 6.

MR. HUNT said, he proposed to introduce into the schedule a declaration on the part of the voter that he had signed no other voting paper at the election.

Amendment *agreed to.*

MR. E. P. BOUVERIE said, that they should have security that the signature was attached to the paper in the presence of the justice; and, therefore, he proposed to insert the words "in my presence."

Mr. DODSON assented.

The Schedule and Preamble were then *agreed to.*

House *resumed.*

Bill *reported,* as amended; to be considered on *Friday,* and to be *printed.* [Bill 221.]

INDICTABLE OFFENCES (METROPOLITAN DISTRICT) BILL.

SECOND READING.

Order for Second Reading read.

Mr. WALPOLE said, he rose to move the Second Reading of this Bill, which had come down from the Lords, and he should have thought it was one which would not have met with any opposition, but it appeared it was likely to be opposed in some quarters, and one hon. and learned Gentleman had given notice of a Motion for the Bill to be read that day six months. The Bill had received the sanction of the late Lord Chancellor and all the law Lords. A few of the provisions it first contained were objected to, but after it had gone through a Select Committee they all acquiesced in it. The whole of the principle of the Bill might be said to lie in the first and second clauses. The first clause provided that charges were not to be tried at the Central Criminal Court, or at any General or Quarter Session of the Peace within the City of London or the Metropolitan Police district, without previous investigation by a magistrate. In other words, it was provided that no charge should be preferred against a person by going behind his back to a grand jury in the first instance, when there was an opportunity of going to a trained professional magistrate, who could understand the charge, and see whether it was of such a nature and supported by such proofs as rendered it proper that the person charged should be sent to trial. The second clause enacted that when a charge was investigated by a justice of peace, in open court, it should no longer be necessary to go to the grand jury, who sat in secret, before whom witnesses were not confronted with each other, and who were not professionally trained, so as to be able to give that judicial opinion on the subject which a trained professional person was competent to pronounce. The main objection which was urged against the Bill was that it tended to supersede the grand jury system; and in that case, it was asked, what was to be done with a class of offences called political offences, in respect to which the grand jury system had acted as a shield of protection, and as a barrier between the Crown and the subject? His answer to that objection was that the 8th Clause of the Bill provided that the Bill should not apply to that class of offences, and if the clause should not be deemed sufficient for the purpose it could be amended in the Committee. It was said, and truly said, that the grand jury system had been a great protection to the people of this country against improper accusations, and against the undue exercise of power on the part of persons in authority. Nobody felt that that had been the case more strongly than he did; and if there was anything in the Bill which could supersede that system, he for one would not move the second reading. But what ground was there for such an apprehension, when in fact the grand jury system would, under the present Bill, be as complete in the country as now, and when political cases in the metropolitan district were by the 8th Clause excepted from the operation of the present Bill? Surprise was expressed that a Member of the Conservative party should introduce a principle leading, it was alleged, to the extinction of the grand jury system, which had proved so valuable not only in protecting the subject against the Crown, but in bringing the Judges of the land into constant intercourse and association with the landed gentry. His answer was that the Bill did nothing of the kind; and whoever considered the subject would see that the grand jury system was introduced for purposes for which at the present time it was no longer applicable in the Metropolis, though it might be very advantageously kept on foot in other parts of the kingdom. Fifteen years ago the Criminal Law Commissioners considered this subject, and directed questions to be put to a vast number of persons—Judges, magistrates, barristers, recorders, solicitors, and other persons acquainted with the practice of the criminal courts, and there was scarcely an answer given which did not amount to an acknowledgment that in the Metropolis the grand jury system was in almost all cases superfluous, and in many cases was very mischievous. One of those who gave an opinion at that time was the late Lord Denman, who, when referring to an article in the *Edinburgh Review,* said it contained an opinion he had formed some years before, that no benefits were produced by the grand jury system but the co-operation of the higher and middle classes in the administration of justice. In 1846 a presentment was made by the grand jury at the Middlesex Sessions, in which they stated that in their experience grand juries in the metropolitan district were a positive impediment to the administration of justice, and they went on with these significant words—

> "Though they were perfectly aware that the court had no power to accord them any relief, and that it was only by reiterated representations that any consideration could be expected from the Legislature, they were the more induced to this step from a consideration of the nature of the cases which occupied the time of the jury, cases of so frivolous a character that the intervention of a grand jury seemed to have no possible object but the detention of the prisoners and the lengthening of the proceedings of the court, and did not as far as they conceived tend to any possible good."

In 1847 a remarkable observation fell from a Judge whose recent death they had had to deplore, who was not inferior to Lord Denman—he meant Mr. Justice Patteson—who, addressing a grand jury of Middlesex, said—

> "It was not in his power to give them any information as to the cases which would be brought before them, because he had really no means of knowing what those cases might be, nor indeed was he aware that they would be troubled with any cases at all. They might think it strange that they should be brought together to hear this, but still it was a tribunal before which any of Her Majesty's subjects might prefer any charge. It was the law that they should be thus called together, and they must obey it."

In 1848 another presentment of the grand jury was made to the Central Criminal Court to a somewhat similar effect to that of the grand jury of Middlesex which he had already read. These matters were pressed so much on the consideration of the Government, that in 1849 the then Attorney General brought in a Bill to amend the law in respect to the grand jury system within the metropolitan district. The Bill was sent to a Select Committee, the witnesses before which expressed views similar to those he had just detailed to the House, one of them declaring the grand jury to be the hope of the thief. Before the Bill passed a new Government succeeded, and then he, as Home Secretary, together with the Attorney General of that time, (Sir Frederic Thesiger), introduced a measure for the amendment of the law. They had not an opportunity of passing all the measures they desired, but he believed that history would hereafter say, that there had been no Session during the last twenty-five years in which so many laws were passed for the improvement of the legal and social system as in the Session of 1852. Again, in 1853 the matter was brought before the attention of his right hon. Friend opposite by a memorandum drawn up by the Middlesex magistrates, who made three divisions of the subject:—First, where the magistrate sent the case for trial; second, where he refused to do so; and third, where the parties went before the grand jury without a preliminary investigation before a magistrate. In regard to the first they were of opinion that there was no necessity for a further investigation before the prisoner was subjected to trial. In regard to the second, they said there ought to be a further opportunity for investigation; and in regard to the third they said, the power of going before the grand jury in the first instance was oftener a means of enabling parties to get up cases for the purpose of extorting money from persons against whom they made accusations. The latter practice had to a certain extent been got rid of by the Vexatious Indictments Bill, and the present Bill would have a further effect in the same direction. In 1857 another Bill was brought in on the subject of grand juries, but it was lost in consequence of the lateness of the Session. A Bill had also been in 1860 introduced on the subject in the House of Lords, but the business of the Session had not admitted of its being proceeded with in the House of Commons. He had now stated fairly the nature of the case, but he might, perhaps, before resuming his seat, be allowed, in reply to the objection that there were no stipendiary magistrates in the City of London, or in those districts subject to the jurisdiction of the Central Criminal Court, to observe that from all he could learn, the clerks who assisted the mayor and aldermen in the discharge of their magisterial duties in the City were men of so much ability and experience that there would be in their case no greater risk of a miscarriage in the administration of justice under the operation of the Bill than in those instances in which the stipendiary magistrates were the persons presiding; whereas, so far as the outlying districts which were under the jurisdiction of the Central Criminal Court were concerned, the Bill removed all difficulty by providing that the cases with which it dealt should be investigated by two justices sitting in open court. He should simply add, that he did not think the Bill would be found practically to interfere with the working of the grand jury system throughout the country generally, inasmuch as it merely set forth that forty juries should not every year be summoned for Middlesex and the Metropolis, but that there should instead be three for the Central Criminal Court and four for quarter sessions. Having made these observations, he begged to move the Second Reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. AYRTON said, he could not but express his regret that the right hon. Gentleman should have thought it necessary to submit the Bill to the House at that period of the Session, because it was quite impossible to discuss it with the care and attention it deserved, and he regretted it the more because the hon. and learned Member for Wexford, who had given notice of his intention to move that the Bill be read a second time that day six months was not present. It was also extremely undesirable to proceed with the Bill at a moment when there was no opportunity of learning with respect to it the opinions of the law officers of the Crown. There was, he added, another very good reason why he was opposed to the course which the right hon. Gentleman asked the House to take, and that was that the Committee which had during the present Session been appointed to inquire into the government and taxation of the Metropolis, and which had evidence adduced before it which might tend materially to alter the views even of the right hon. Gentleman himself on the question at issue, had not yet been able to lay that evidence before the House. While admitting, therefore, that the number of grand juries summoned in the Metropolis might be looked upon as a great evil, he could not concur with the right hon. Gentleman as to the expediency of asking hon. Members to assent to a measure which was calculated entirely to subvert the existing system of administering justice as that which was now proposed. He was also prepared to maintain that, however much the right hon. Gentleman might endeavour to separate the Metropolis from the rest of England, yet the principle which he advocated was in the main applicable to grand juries throughout the country at large. The Bill, indeed, as it stood extended to the City of London, and those districts which might be called rural, where justices of the peace exercised the functions of their office in the same way as justices of the peace did in other parts of England. The right hon. Gentleman, it was true, said that he did not propose to abolish grand juries for all purposes, and that its provisions were not intended to apply to charges of treason, misprision of treason, or any offences against Her Majesty, the State, or the Government; but he might remind the House that in times of great political excitement a simple charge of assault might involve considerations of a political character, and that under the operation of the Bill there would always be the difficulty of deciding what was to be regarded as a political offence, and what as merely a private wrong. He looked upon it also as a very strong objection to the Bill, that while, in accordance with the existing law, any person committed for an offence within the police district possessed the advantage of having his case brought to trial within a short period, any person prosecuted by the Crown might, if grand juries were abolished, as proposed, be kept in prison for three times the period which he would if the prosecution were instituted at the suit of a private individual. It was, however, said that the system of grand juries gave rise to a considerable amount of collusion and fraud, and they, no doubt, like all other human institutions, had some imperfections; but a similar objection might be urged against the existence of every grand jury in every county in England, and even against petty juries themselves, as the experience derived from our courts of justice abundantly proved. He could, of course, very well understand that many persons in the Metropolis who wished to lead a life of ease, and did not like to be troubled by being called upon to discharge the duties of grand jurors, might support the views which the right hon. Gentleman advanced ; but if those Gentleman were informed that they would be called upon to sit on petty juries he thought it not improbable that their opinions on the subject might undergo a material alteration. The right hon. Gentleman did not state that the observation of Mr. Justice Patteson which he quoted was made to the grand jury in the Queen's Bench, where the grand jury had really nothing to do. He (Mr. Ayrton) saw no objection to the abolition of a mere nominal grand jury. The question was not whether it would be convenient to this man or to that to have the grand jury system abolished, but whether a man should be put on his trial for felony unless his case had undergone a preliminary ordeal, and twelve men of repute had declared it to be one which demanded fuller investigation; and to those who contended that it did not, after all, matter to a man who was innocent whether such was the case or not, for that he might feel confident his innocence would, under the proposed system, be made equally manifest, he would simply say that the ordeal of being placed in the dock was not one to which they themselves, however innocent they might be, would like to be submitted. He must further observe that the right hon. Gentleman had not given due weight to the fact that great changes had been made in the law since the agitation on the question at issue stood at its greatest height, and he must remind him that since that time Lord Campbell had introduced into the other House of Parliament a Bill, which had been passed into a law, by means of which many of the evils complained of were obviated. That being so he thought he had said enough to point out to the right hon. Gentleman the inconvenience of proceeding with this Bill. He trusted it would be withdrawn for the present Session. He (Mr. Ayrton) must remind the House that the Bill was not confind to the Metropolis either in principle or practice. If the principle were a true one, why did not the right hon. Gentleman come forward and frankly propose a general measure applicable to the whole country? At least, until that was done, the Metropolis ought not to be placed in an exceptional position and deprived of the benefit of an existing legal institution.

SIR GEORGE LEWIS said, he had in more than one previous debate in that House had occasion to observe that the views of the hon. Gentleman who had just spoken with respect to the time necessary for the due discussion of Bills were of a most comprehensive character. Indeed, he could not help imagining that the hon. Gentleman's idea of Utopian perfection in a legislative assembly must be that at least twenty of its Members should speak upon every question which came before it, and that each of those twenty Members should occupy at least two hours in the delivery of his speech. The hon. Gentleman contended that there was not, at that period of the Session, sufficient time for the discussion of the Bill under the notice of the House, which consisted of only eleven clauses and some formal schedules, and had then proceeded to say that the Bill ought not now to be dealt with for the additional reason that there was a Committee sitting upstairs on the subject of the government and taxation of the Metropolis. The first of those objections appeared to him, he must confess, to have but little weight; while, so far as the second was concerned, he should merely remark that in assenting to the appointment of the Committee he had distinctly stated that he did not look upon it as calculated to preclude the House of Commons from discussing any legislative measure with respect to the Metropolis which might be brought under its consideration. If the contrary were the case the legislative operations of the House would, he could not help thinking, be very considerably narrowed. He was prepared to give his vote for the second reading of the Bill, which had been considered in former Sessions and appeared to be founded on a just principle. He dissented from the doctrine that there was no distinction between the Metropolis and country districts with respect to grand juries. In the country a grand jury was composed of the principal persons of the county, and the committals were made by the magistrates sitting in petty sessions, whose decisions were not as a rule reported in the public press. A grand jury in London could not be considered as corresponding in point of social position to a grand jury in the country, and the committals in London were made either by professional magistrates or by aldermen, assisted by professional clerks. Both magistrates and aldermen sit in the presence of the public, and their decisions were reported by the newspapers. He thought, therefore, that there was sufficient ground for the establishment of a distinction between the Metropolis and the country with respect to grand juries, and he saw no reason why the House should not at once agree to the Bill. He admitted that there was a difficulty in drawing a line between political and other offences; but that was a question of detail which might be amply discussed in Committee.

MR. H. B. JOHNSTONE said, he was satisfied that there were cases in which the working of the grand jury had been highly detrimental to the well-being of the community and to the welfare of individuals. He could mention an instance within his own knowledge of a gentleman who, while travelling on the Continent, had an indictment preferred against him by a low attorney, for having made a mistake in an affidavit. As soon as the indictment was preferred the attorney made overtures for money to suppress the case; but the overtures were rejected and the case was abandoned. The gentleman against whom the charge was made being of a nervous temperament, the charge had such an effect upon him that he died in a fortnight. Now, that was not a solitary case. The cases of extortion had been very frequent, and it was the duty of the Legislature to provide protection to the public.

Mr. HUNT said, he would deprecate the passing, almost *sub silentio*, of a Bill which proposed to disturb an integral part of our criminal jurisprudence. The Bill provided that in the metropolitan districts a person should be sent to trial for felony without the intervention of a grand jury. That was an entirely new principle, and one which he hoped would never receive the sanction of Parliament. It was a mistake to suppose that the publicity given in London to the decisions of the aldermen and stipendiary magistrates rendered the intervention of a grand jury unnecessary; at all events, there was no difference in that respect between the Metropolis and the rest of the country, for all the principal decisions of county magistrates were reported in the local papers. But what were the stipendiary magistrates of London? They were persons holding office at the pleasure of the Crown, and in troubled times what was to prevent a tool of the Government from sending a man to trial without just cause? If such a case were to occur the country would regret the abolition of the grand jury system—a system which might be regarded as a great bulwark of liberty between the Crown and the subject. The Bill proposed that a grand jury should interpose in certain cases; but he should like to know how political offences were to be defined. Not long ago a man was tried for stealing a despatch. It was a case of simple larceny; but many foreign papers treated it as a political trial. He could not help thinking that the Bill was fraught with the greatest danger to the liberty of the subject and the cause of justice. At the time of the Ecclesiastical Titles Bill and the Durham Letter no Roman Catholic Bishop would have had the slightest chance of getting a fair trial if, without the intervention of a grand jury, he could have been sent by a stipendiary magistrate before a Judge who was a strong partisan. The grand jury system had come down to us from our forefathers, and he had no fear that it would be parted with lightly as long as the names of Jeffries and Scroggs were remembered by the English people. The hon. Member moved that the Bill be read a second time that day three months.

Mr. H. B. Johnstone

Sir MATTHEW RIDLEY seconded the Amendment.

Amendment proposed, to leave out the word "now" and at the end of the Question, to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. NEWDEGATE said, he would move the adjournment of the debate, as he felt that at that hour (20 minutes to six o'clock) it was impossible to proceed with the discussion of the Bill.

Debate *adjourned* till *To-morrow.*

CHURCH RATES LAW AMENDMENT (No. 2) BILL [Mr. Cross].

SECOND READING.

Order for Second Reading read.

Mr. CROSS said, he wished to appeal to the Government whether they would not assist those hon. Gentlemen who wished to bring about a settlement of the question by fixing some morning for its discussion—possibly next week, on Thursday?

Sir GEORGE LEWIS said, he believed the noble Lord at the head of the Government, when a similar appeal was made to him, had stated that he was not prepared to fix any Government night for the discussion of the Bill. The hon. Member had mentioned a morning sitting for Thursday; but Thursday was a Government day, and at that time of the Session it was not usual to have a morning sitting on Government days. He was, therefore, afraid it was out of his power to assent to the proposal of the hon. Gentleman. He would further add, that a large portion of the Session had been already occupied with a discussion of this question, and one morning probably would not suffice to dispose of it.

Mr. CROSS said, that in order to secure the first available day for a discussion, and in order that it might be clearly understood that a discussion would take place, as Wednesday, the 17th, was already occupied, he would put down the second reading for Wednesday, the 24th of July.

Second Reading *deferred* till *Wednesday*, 24th July.

House adjourned at Ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 4, 1861.

MINUTES.] PUBLIC BILLS.—1ª East India (High Courts of Judicature); London Coal and Wine Dues Continuance; Labourers' Cottages; Metropolitan Police Force Pensions; Tramways (Ireland) Act Amendment.

2ª Harbours; Locomotives.

3ª Portpatrick Harbour (Scotland); Officers of Reserve (Royal Navy).

HARBOURS BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD STANLEY OF ALDERLEY, in moving the second reading of this Bill, explained that its object was to afford facilities to local authorities for raising funds in order to construct new or improve existing harbours. The proposal was that the Public Works Loan Commissioners should be empowered to grant advances for harbour improvements on application made by the local authorities and sanctioned by the Board of Trade. The money was to be repaid within fifty years. When the money borrowed did not exceed £100,000 the interest was to be 3¼ per cent, and any amount exceeding that sum was to pay a higher rate, but not more than 5 per cent. The Bill also proposed to abolish "passing tolls" from and after the 1st of January, 1862. These tolls were levied on vessels passing four ports on the Eastern coasts—Bridlington, Whitby, Ramsgate, and Dover. In some of these cases the harbours did not at all answer their purpose as harbours of refuge, inasmuch as at low states of tides they were incapable of being entered by the vessels which were, nevertheless, called upon to pay the tolls. They amounted altogether to £35,000 a year, and as money had been advanced on their security it was proposed, in respect of the debts of Bridlington and Whitby, to transfer them to the Exchequer. With regard to Ramsgate no debt existed; and although on Dover harbour there was a debt of £8,000 or £9,000, there was ample property to be handed over to new trustees as security for that amount. The Bill abolished all dues levied by certain authorities for charitable purposes, making provision for existing pensions. The Bill also dealt with the differential duties on foreign shipping. In consequence of reciprocity treaties, by which foreign shipping was placed on the same footing as British, Parliament had undertaken the payment of these dues to the corporations, Trinity House, and other institutions which in different towns were entitled to receive them. In 1826, which was the date of most of the reciprocity treaties, they amounted to no more than £10,000 a year; but in consequence of the great increase of foreign shipping they now amounted to £58,000 a year, with every prospect of their continuing to increase. It was most important to relieve the Exchequer from payment of these dues; but, as certain engagements had been made on the faith of their being continued, it was proposed that the abolition should not take place until 1872, by which time sufficient money would have been paid to meet those engagements. He thought that by giving the present recipients of the shipping dues ten years notice of their entire abolition, they could bring no charge against Her Majesty's Government that they had taken the harbour trustees by surprise, and they would also be enabled to make full provision for the contemplated changes. At Dublin there was a payment of £4,000 a year, originally imposed in respect of the harbour of Dunleary, which would also be abolished. It was proposed to make an alteration in the Dover and Ramsgate trusts. The Ramsgate trust would be transferred to the Board of Trade until further provision was made by Parliament. It had been suggested that it should be handed over to the London, Chatham, and Dover Railway Company; but for that purpose another Act of Parliament would be necessary. The Dover trust would be transferred to seven trustees, of which the Lord Warden would be President, and nominees of the Board of Trade, the Board of Admiralty, the South Eastern Railway, and the London and Chatham Railway would be members, as well as a certain number elected by the Corporation. This arrangement, he believed, afforded general satisfaction to the town. The Bill had received the general concurrence of all parties interested. It would clear up a number of questions which had been long agitated, and it would confer great benefit on the mercantile interests of the country. He hoped, therefore, that their Lordships would agree to read it a second time.

Moved, That the Bill be now read 2ª.

THE MARQUESS OF NORMANBY, although he approved of the principle of the Bill, and had no intention of opposing the second reading, yet thought it highly important that their Lordships should clearly understand what they were about to do. He had no objection, of course, to the provisions for advancing money for the improvement of harbours; but in regard to the abolition of passing tolls it behoved their Lordships to consider well what that proposition really was. The passing tolls had been granted to the Commissioners of Whitby Harbour by Queen Anne, and renewed by subsequent Parliaments, and, finally, in 1826, Parliament declared that they were to continue for ever. He did not mean to say that it did not lie in the wisdom of Parliament to correct the legislation of times gone by; but still, the assurance of their being continued for ever ought to induce their Lordships to pause before they did away with them. It was true that the debt would be thrown upon the Consolidated Fund, but there was no provision made for those objects for which the toll was originally imposed. As to these harbours not being generally accessible, he could only say that in the course of six years 3,707 vessels had taken refuge in Whitby. He should like to see a longer time given to the Harbour Commissioners, that they might have an opportunity of creating a new fund.

The Earl of DONOUGHMORE said, at the time these tolls were imposed vessels were much smaller than at present, and the harbour of Whitby might, therefore, at that time be used as a harbour of refuge; but it was of little or no use now; and in consequence of the state of the harbours on the eastern coast the witnesses examined before the Harbour Commission recommended the expenditure of large sums of money in the construction of harbours on the coast at Hartlepool, Filey, and the mouth of the Tyne. He thought the Government were quite right in abolishing the dues levied for the support of Whitby as a harbour of refuge. He should like to know how much of the debt of £46,000 owing by the Commissioners of the Dover Harbour would be paid by the Treasury, and how much out of the local funds. As to the charities supported by funds levied on shipping in certain ports, he thought there ought to be a clause in the Bill prohibiting the managers of the charities from appointing fresh pensioners on these funds. With regard to the compensation paid to charitable corporations, their Lordships were, perhaps, not aware that the Hull Trinity House, in 1860, received from the country for differential dues alone the sum of £13,000. This sum, which was extracted from the public purse, was not applied to the improvement of the harbour or to the benefit of shipping in any way, but went to increase the funds of a charity whose operations were, he believed, absolutely injurious to the town. With regard to Ramsgate Harbour he should have preferred its being transferred to the Admiralty rather than to the Board of Trade. The local authorities of Ramsgate had for many years levied tolls on shipping in aid of its local taxation, and an Act was passed some years ago empowering the town Commissioners to levy a tax of 2*s.* a ton on coal coming into the port, and on the security of this tax, coupled with their rating powers, they borrowed a sum of £18,700. The Bill exempted coal in certain cases from this tax, and as the security on which the money was advanced was thereby affected, he should like to know if the parties advancing the money had given their consent to that clause. We had adopted a free trade policy, and now ought to remove all restrictions on trade. The Commissioners of many harbours, particularly on the eastern and southern coast, in some cases on the authority of Parliament and in other cases on the authority of charters, now levied considerable taxes on shipping, which were not applied to the improvement of the harbours, but to the purposes of the town, such as paving and lighting, in relief of the local rates. That, he thought, was indefensible in principle; and if such a proposition were made now on behalf of any town in England he was quite certain that neither the other House of Parliament nor their Lordships would listen to it for a moment.

Lord TAUNTON expressed his great gratification at the prospect of this intricate and complicated question, which had long been a source of complaint on the part of the shipping interest of this country, being at last satisfactorily settled. At the same time he must agree that, in strict justice, the price which the public were to pay to the local authorities for the abandonment of their rights was rather high. He well remembered the contest to which the Bill introduced a few years ago on the same subject, and which was one of strict justice, gave rise in Parliament. He could himself never understand the claim which these local corporations had to tax the shipping interest of the country for their own local benefit. It always appeared to him that their powers were for public purposes, and that the dues they collected could not be brought within the category of private property. Therefore, he never had any scruple in supporting the principle of that Bill; but the Government of that day could not cope with the opposition which it encountered; the defenders of these local interests were active and zealous, and the Government was not sufficiently powerful for them. He believed, however, that the present Government had made a good bargain for the public, since at the end of ten years these dues were entirely to cease, and great credit was due to the President of the Board of Trade for having managed to pass the measure through the House of Commons with very little opposition on the part of local interests. He could not help agreeing with the noble Earl opposite (the Earl of Donoughmore) that, as the navigation laws had been abolished it became the duty of Parliament and the Government to lose no opportunity of removing every disadvantage and burden under which the merchant shipping of this country laboured, in consequence of the complete competition with their foreign rivals to which they were now exposed. Some of these burdens still remained; but he trusted that in a short time they would be entirely swept away. In abolishing the system of protection which formerly existed they had done not only no injury, but the greatest benefit to the shipping interest; but while he said that, he thought that the fact of exposing them to the competition of the whole world gave them the strongest claim to every assistance and support which, consistently with sound principle, could be extended to them.

THE MARQUESS OF NORMANBY said, the reason why the trustees of Whitby Harbour had not paid off the debt was that they had entered upon extensive works for the improvement of the harbour.

LORD STANLEY OF ALDERLEY expressed his satisfaction at the speeches of two noble Lords who had just spoken, and said that he, too, hoped that what little remained to be done upon this matter would soon be accomplished. He rejoiced to see the reception the Bill had met with, and he would mention that when the Bill was originally introduced five years' compensation was proposed, but that term was afterwards extended to ten years. This amount of compensation was, in fact, the price which the Government had agreed to pay for purchase of certain advantages, and the price he did not regret, considering the benefits which would be derived.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

LOCOMOTIVES BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF CAITHNESS, in moving the second reading of this Bill, said, that the object of the measure was—not to give power to run locomotives upon common roads, because that power already existed —but it proposed to provide for the regulation of tolls, so that they might not be practically prohibitory to locomotives upon roads. Some years ago a gentleman at Manchester demonstrated by experiment that engines of this kind could be successfully and with economy used on ordinary roads, by using a locomotive for the haulage of coals a distance of about seven miles, and it appeared that the cost of the carriage was 2*s.* per ton, instead of 3*s.* 6*d.*, which was the expense of horse power. The locomotive, however, had to pass through two turnpikes, and the tolls levied amounted to 4*s.* per ton, while if the coals were hauled by horse power the tolls were only 3½*d.* per ton. There could, of course, be no fair chance of success under such circumstances. One advantage which locomotives upon common roads had over waggons drawn by horses was the much less space they occupied. He had recently seen the crank shaft for the *Black Prince* drawn from Mr. Penn's factory by one of Bray's engines. The shaft, together with the truck, weighed 38 tons, and if horse power had been employed a great number of animals and men would have been required to perform a task which was performed by a single engine with perfect ease. Some persons apprehended danger to the public from the use of these engines upon common roads; but the Bill contained a provision giving power to the Secretary of State to prohibit the use of any engine, upon representations being made to him by the proper authorities that it exposed the public to any danger. For his own part, he (the Earl of Caithness) did not believe that any danger would arise from the use of engines. In 1802 a locomotive was used on a common road in Cornwall, and subsequently was exhibited in the ground now occupied by Euston Square. Mr. Scott Russell also ran one for the conveyance of passengers between Paisley and Glasgow; but so great was the objection of the local authorities to it that they covered the road with many inches of broken stones, which only had the effect of diverting all the horse traffic elsewhere. Mr. Scott Russell persevered with his locomotive for a considerable time; but, as he wore out two pairs of wheels every journey he was compelled to abandon the experiment. Objections had also been raised that the use of engines would injure the roads, but he was of opinion that the wheels of an engine would not cause so much damage to a road as the feet of a number of horses drawing heavy loads. The noble Earl then read several letters from leading engineering firms, testifying to the value of these locomotives in removing large boilers and other machinery from their factories. In some parts of the country the appearance of these traction engines occasionally astonished and perplexed the unsophisticated inhabitants. While riding on one of them in his own neighbourhood one day he passed the door of a cottage where a little boy was standing. The lad was astonished at the novel sight, and called out to his father, who was inside, "Come, and see! the carrier's cart has taken fire, and his horse has run away." In another instance, when a locomotive came to a turnpike with the steam full on, the tollkeeper, on being asked what there was to pay, replied with evident trepidation, "Oh! nothing, nothing! drive on, dear Mister Devil, as fast as you can." The noble Earl concluded by earnestly requesting their Lordships to give the Bill a second reading.

Moved, That the Bill be now read 2ª.

The Earl of EGLINTON had not paid any very great attention to this Bill, but could not help thinking it a measure of considerable importance, and one, therefore, which their Lordships ought not to pass without due deliberation. It appeared that these engines were not new, but had been first used in 1802. If that were so, the fact was not much in their favour, because although they had been long before the world they had certainly not made any very rapid strides in public estimation. He was not aware of anybody but the noble Earl opposite who had yet set up a private steam carriage of his own. No doubt traction engines might be very useful in conveying heavy loads for short distances; but this Bill went much further, and would legalize their use on roads generally. The measure, in his opinion, was rather premature, there being no general demand in the country for such legislation; and before they passed it they should see what were the grounds on which they were asked to legislate on the subject. He could not but think that the use of locomotives on common roads would give rise to dangerous accidents. Horses would be apt to take fright at them, and human life might as a consequence be jeopardized. Nothing was said in the Bill as to the width of the roads in which they were to be allowed to run. It would not be sufficient to enable the Secretary of State to check their employment in certain cases: the same power ought to be vested in the municipal authorities of boroughs; while in Scotland the right to interdict them should be given to the sheriffs of counties. These were, indeed, points of detail, but they suggested the propriety of the House pausing before it rashly assented to the measure.

Earl GRANVILLE thought the noble Earl could not have listened very attentively to the clear and able speech in which the second reading of the Bill had been moved. It was a mistake to say that this Bill legalized the use on common roads of these locomotives, which, in some out of the way districts might perhaps frighten a few peasant boys, tollkeepers, and some other timid animals of that kind. Their use was already legal, and the only object of the measure was to regulate the tolls chargeable upon them, which in some instances reached a prohibitory rate. The Government having considered the Bill saw no objection to its provisions, and he trusted their Lordships would not refuse to adopt it.

The Earl of EGLINTON said, what he had meant was that the Bill would have the effect of legalizing the use of these engines in Scotland. At present, if any one applied to the sheriff to stop these locomotives from running on the public roads, the sheriff would, no doubt, interdict them. But, if the Bill passed, it would give a sanction to their use.

Lord **BELHAVEN** was understood to deny that sheriffs in Scotland had interdicted the use of these engines when applied to for that purpose.

After a few words from the Earl of Donoughmore,

Lord **REDESDALE** said, he would not oppose the second reading; but he thought the Bill of extreme importance, and he hoped the noble Earl (the Earl of Caithness) would have no objection to its being referred to a Select Committee. There were many points in which the Bill was defective. It contained no provision whatever as to what a "locomotive" was to be, and it was exceedingly important that they should lay down proper rules on that head, so as to secure the public as much as possible from inconvenience arising from their construction. He was not satisfied that the tolls to be levied were so high as they ought to be. All that the Bill said was that these vehicles were to pay a toll more or less in proportion to the number of their wheels. At all events, they should specify proper rules as to construction. Indeed, he believed it was already provided that the locomotives should not be more than seven feet wide. A provision ought to be inserted that when they exceeded a certain weight they should not pass over bridges. If this Bill went before a Select Committee its provisions might be rendered much safer, and some evils might be remedied. He had no unfavourable feeling towards the Bill, but he thought that the public security should be ensured.

The Duke of **MONTROSE** concurred in the suggestion that the Bill should undergo the revision of a Select Committee. He thought there was not much probability of these locomotives coming into general use.

The Earl of **EGMONT** hoped the noble Earl who had charge of the Bill would not consent to its being sent to a Select Committee.

Motion *agreed to.*

Bill read 2^a accordingly.

Lord **REDESDALE** proposed to commit the Bill to a Select Committee.

Earl **GRANVILLE** confessed he saw no reason why certain noble Lords were anxious to send every Bill to Select Committees from which the public were excluded. Surely the Amendments to be proposed could suitably be introduced in a Committee of the Whole House.

Subject dropped.

STEAM COMMUNICATION BETWEEN IRELAND AND NORTH AMERICA.

QUESTION.

The Marquess of **CLANRICARDE** asked Her Majesty's Government, What Steps they proposed to take for the Re-establishment of a direct Postal and Steam-Packet Communication between Ireland and North America? The Postmaster General, on the 15th of May, put an end to the contract with the Royal Atlantic Mail Steam Navigation Company, whereby provision had been made for a regular packet service direct between Galway and North America. He would not say one word as to the justice or injustice of that proceeding, because the matter was now being investigated by a Committee of the House of Commons. He apprehended, however, that that inquiry would be limited to an investigation of the circumstances under which the contract had been terminated; but, as he understood, the contract was absolutely at an end, and no proposition had been made for its renewal. He thought, therefore, he was justified in asking the present information from the Government. He would remind the House that, although the way in which the contract to which he referred had been carried out had been brought in question, the propriety of having a continuous direct service between North America and Ireland had never been questioned: on the contrary, it had been acknowledged by every one who took part in the discussion in the House of Commons that great advantage was derived from having speedy communication by that *route.* Only yesterday an illustration was afforded of the value of such a service. The important intelligence received from New York was ten days old; whereas no one could deny that one result of the experience of the last year was to show that it was perfectly practicable to have direct communication between Ireland and the United States within six days. It was, therefore, important to ascertain whether the Government had done anything towards the re-establishment of the service. The Company to which he referred said they had not had sufficient time allowed them to prepare vessels for the postal service. That was a point on which he would express no opinion, though he must remark that it had always been considered that some time must elapse before any Company could perform a service of such a nature satisfactorily. If he understood the matter rightly, the contract which had existed during the past year was now completely at an end. Even if the case were otherwise a new contract would be desirable, inasmuch as the last included conditions which, he believed, were never imposed on any Company before. A Bill relating to the improvement of Galway Harbour would shortly be brought before their Lordships, and that was an additional reason why this subject should receive full consideration. Direct postal service between Ireland and North America was, in his opinion, so important that the Government ought to lose no time in making preparations for re-establishing it in such a manner that the public would be satisfied that it would be well and properly carried out and permanently maintained.

Lord STANLEY of ALDERLEY said, his noble Friend had, in fact, anticipated the answer which he would be obliged to give; and would not, therefore, be surprised when he said that he must decline to express any opinion on the subject until the Committee of the House of Commons appointed to inquire into the circumstances under which the Galway contract had been terminated had made its Report. He was sure his noble Friend must see that it would be premature for him to make any statement at that moment. He would, however, remind his noble Friend that Ireland at present enjoyed postal communication with America by means of no fewer than three services weekly. The Cunard line of packets which left Liverpool on the Saturday touched at Queenstown on the Sunday, and took on letters from Ireland, as well as letters sent on by the Saturday evening mail from London. The Liverpool, Philadelphia, and New York line, commonly known as "Inman's," started from Liverpool on the Wednesday and touched at Queenstown on the next day. There was a third service by the Canadian line of packets, which left Liverpool every Thursday and touched at Londonderry every Friday. Thus, on Sundays, on Thursdays, and on Fridays there was direct postal communication between Ireland and America. The only advantage derived from the Galway packets was that once a fortnight there was an additional service on Tuesday. He, therefore, did not anticipate that any material inconvenience, as far as postal communication was concerned, was at present experienced in consequence of the discontinuance of the Galway line. But he was quite ready to admit that there was very great advantage in the more rapid communication with St. John's and the much later telegraphic communication by that means with America, and that advantage was obtained in a greater degree by the Galway than by any other line. Their Lordships would see that under the circumstances it was quite impossible for him to express, on the part of the Government, any intimation of what their views might be with regard to any future arrangements for direct postal communication between Ireland and America.

DILAPIDATION OF GLEBE HOUSES.
QUESTION.

Viscount DUNGANNON inquired, Whether any measure to amend the Law relative to Dilapidation on Glebe Houses is likely to be laid on the table during the present Session? He considered that some measure of the kind was absolutely necessary, and if a good one it would have his cordial support.

The Bishop of LONDON said, that a Bill had been prepared, and would be laid on the table in two or three days. At the same time, having regard to the difficult and complicated nature of the subject, as well as to the advanced period of the Session, it was not probable that anything more would be done than that the Bill would be presented in order to give their Lordships the opportunity of considering it before next Session.

House adjourned at a quarter before Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,
Thursday, July 4, 1861.

Minutes.] New Writ Issued.—For Richmond, *v.* Henry Rich, Esquire.

New Member Sworn.—For Wolverhampton, Thomas Matthias Weguelin, Esquire.

Public Bills.—1° Lunacy Regulation; Turnpike Acts Continuance; Turnpike Trusts Arrangements; Conjugal Rights (Scotland); Trustees (Scotland).

2° Copyright of Designs; Inland Revenue.

3° Book Unions; Attornies and Solicitors (Ireland).

LAW OF LUNACY.—QUESTION.

Mr. TITE said, he rose, pursuant to notice, to ask the Secretary of State for the

Home Department, Whether it is the intention of the Government to introduce any Bill this Session for amending the Laws relating to Lunatics in England, as recommended by the Select Committee of last year; and, if not, whether it was their intention to proceed with the Bill of the late Lord Chancellor which has been sent down from the House of Lords, having for its object the Amendment of the Laws relating to the Lunatics under the care of the Court of Chancery?

SIR GEORGE LEWIS said, he intended to proceed with the Bill which had come down from the House of Lords with reference to Chancery Lunatics. The Report of the Select Committee had reference to Lunatics generally, particularly to Criminal Lunatics, and they recommended an alteration and also a consolidation of the existing law. He was afraid that even if he laid on the Table a Bill to carry out their suggestions it would be impossible that it could pass this Session. The measure which had come down from the House of Lords, and with which he would proceed, was simply confined to Chancery Lunatics.

PHŒNIX PARK, DUBLIN.—QUESTION.

MR. WHITESIDE said, he wished to ask the Chief Secretary for Ireland, Whether a Memorial from the Citizens of Dublin, praying that improvements should be made in the Phœnix Park, has been submitted to the authorities; and whether it is intended to devote the sums obtained by the grazing of the Park in embellishing the same, increasing the roads throughout its limits, and rendering the Park more agreeable and accessible to the Public?

MR. CARDWELL said, the Memorial in question had been received by his noble Friend, the Lord Lieutenant, and was by him forwarded to the Treasury, with a request that it might be favourably considered. No answer had yet been received from the Treasury, but he believed he might state that they were in communication with the Board of Works upon the subject.

THE NEW FOREIGN OFFICE.

OBSERVATIONS.

LORD JOHN MANNERS: Sir, the Vote for the new Foreign Office stands for to-night, but I think it would be more convenient if my right hon. Friend the First Commissioner of Works would consent to postpone it till Monday. It was understood that certain plans were to be exhibited in one of the Committee Rooms, and that the House was to have an opportunity of forming its opinions with regard to them. Some of these plans have only been submitted forty-eight hours ago, and, therefore, if the Government were disposed to take Supply on Monday, the question could then be more conveniently settled.

MR. COWPER: Sir, I am anxious to meet the wishes of the noble Lord, and, therefore, I shall willingly postpone the Vote till Monday, on the understanding that it will be then taken.

BUSINESS OF THE HOUSE.

QUESTION.

SIR ROBERT PEEL said, he wished to ask, When he would have an opportunity of putting the question of which he had given notice to the noble Lord the Secretary for Foreign Affairs?

MR. SPEAKER: On the Motion for going into Committee of Supply.

MR. DISRAELI: I must say I think it would be very convenient if it were thoroughly understood at both sides of the House that public business commences at a quarter-past four o'clock. Hon. Gentlemen are very often put to great inconvenience in consequence of that fact not being remembered.

EDUCATIONAL ESTIMATES.

RESOLUTION.

Order for Committee (Supply) read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. DILLWYN said, he rose to call the attention of the House to the annually-increasing amount of the Educational Estimates, and to the principle upon which such votes should be given. He should willingly have complied with the appeal made by the noble Lord at the head of the Government to Members with Motions similarly placed to his own, not to press them unless the subject was either one of urgent necessity, or likely to lead to a practical result, were it not for the belief which he entertained that it was really necessary to call attention seriously to the Educational Estimates. According to his view, the country was being over educated. The money voted was administered on a wrong principle, and it was time that the principle itself should be reconsidered. But for the strong feeling in favour of education, which prevented Gentlemen from doing anything even having the appearance of impeding its progress, he believed these Estimates would long since have been reconsidered. The growth of the amounts voted for educational purposes was perfectly astonishing. He held in his hand a return which had been made to the House of Lords in 1856, showing the progressive advance of the educational grant, and he had supplemented it to the present time. From that it appeared that from the year 1838 to 1841 there was an annual charge of £30,000 for public education in Great Britain. In 1842, it was increased to £40,000; in 1843, to £50,000; in 1844 it fell back to £40,000; in 1845 it rose again to £75,000; in 1846, to £100,000; in 1847 it remained at the same figure; in 1848, 1849, and 1850, the Vote was £125,000; in 1851 it rose to £150,000; in 1852 to £160,000; in 1853 to £260,000; in 1854 to £263,000; in 1855 it was £396,921; in 1856 it was £451,213; in 1857, £541,233; in 1858, £663,435; in 1859, £836,920; in 1860 there was a slight diminution, and the Vote fell to £798,000; whilst in this year, 1861, he observed it had again risen to £803,000. The Vote for the science and art department had increased in the same way. In 1841 it commenced with a modest demand for £1,100; in 1845 it had reached £4,911; in 1846, £5,000; in 1847, £6,000; in 1848, £10,000; and so it went on till in 1855 it had reached £79,000, and in the present year they were asked to vote no less a sum than £111,000. The gross amount of the Votes pertaining to education which they were asked to vote that year was thus £915,278; and that, as he was reminded by his right hon. Friend the Member for Carlisle (Sir James Graham), was entirely independent of any Vote for Ireland, while in 1840 the gross amount was only £31,300. That was such a rapid rise, and the Votes had now attained such a very large figure, that it was the imperative duty of the House to see that the money was properly expended, and that the principle upon which the money was applied did advance the education of the poor which he took to be the object of the State grants. The history of the educational movement was this:—About the time from 1838 to 1841, when the Votes were only £30,000 a year, the country and the House became alarmed at the ignorance which prevailed throughout the country, and very properly thought it a discredit and a disgrace to the country that education should be so neglected as it was. It was found that not only was the amount of education given very limited, that the supply of schools were uncertain, being dependent on the charity of individuals, and that in some of the most populous districts there existed no school whatever; but, also, that those who professed to teach were themselves untaught, the schoolmasters being very ill-qualified for the task they had undertaken. The House set their shoulders to the wheel, and in some respects very successfully, to correct this state of things; they saw the necessity of raising the standard of education, especially in regard to schoolmasters, and of providing in the large manufacturing towns and populous districts places of education within reach of the poorer classes. But they did not look into the question how high a standard of education ought to be attained; all they sought was to raise the standard, give better books, better masters, and induce the people to accept the education which was given. There was no niggardly spirit on the part of the House; on the contrary, the House cheerfully granted whatever was asked for so long as they thought the money was well spent. The great difficulty, however was to induce the people to accept of the education offered, and how to provide for its extension to all classes, especially to those not connected with the Church of England—the Church of England not probably representing so much as one-half of the entire population. Many hon. Members thought then, and still retained the opinion, that the system should be purely sectarian; while others, both Churchmen and Dissenters, forming, as he doubted not, a majority, took a contrary view. The difficulties were very fairly grappled with. The question was met on both sides of the House in a very fair and liberal spirit, and the system of education which had been offered had been accepted by all classes, and had been productive of beneficial results throughout the country. But all this time it had never been considered how high the standard was being carried, and he thought it was now time that they should reconsider the principle upon which these Votes were applied. He, for one, did not grudge the amount which they were now asked to vote, were he sure that the mode in which the education was offered was the one best calculated to promote the cause of sound education among the poor;

but he considered that the education which they were giving was not producing that good which they were entitled to expect from the great amount of the Vote. They had raised the standard very much above that which was usually considered to be elementary education. He did not mean to define elementary education as limited to reading, writing, and cyphering, as it might possibly be desirable to give something more; but instruction was now given and prizes awarded in geography, singing, drawing, mechanics, and political economy. He thought the House would agree with him that that was not the kind of knowledge which it was requisite for that House to provide for the poor. There was one thing manifest, which was that if they tried to give this high standard of education to the poor they must have two different departments to administer the Vote, and he might quote in support of that opinion what the Vice-President of the Committee of Council told them in a recent discussion, when the question of supporting ragged schools was raised—namely, that he did not see how the department under his control could properly undertake the education of the very poorest classes, the classes which he (Mr. Dillwyn) thought it their duty most especially to provide education for. He had no doubt, from what he saw, that in many cases the poorer classes felt great jealousy and distrust in sending their children to these schools, because they did not think they got proper attention from the masters, or the attention that they would get if there were schools where the elementary education which was suitable to them was only given. They thought there was no occasion for having their children taught algebra, geometry, mensuration, and other subjects of that kind, and they were right, because the children only got a smattering of knowledge which they forgot immediately after they left school. Finding this to be the case the schoolmasters directed their attention principally to those children whose parents could afford to leave them at the school, and the education of the poor was left in a great measure to the care of pupil teachers. It might be a good suggestion that the schools for the poor should be handed over to the Poor Law Board, and that the others should be left as at present; but in his opinion the wisest course would be to retrace their steps, and not continue to raise but to lower the standard of education given by the State. The Reports of the Committee of Council on Education bore him out in the statement that if they went on raising the standard and continued to educate the poorer classes, some different system to that now in use must be resorted to. In 1860, Mr. Tinley, inspector of Church of England schools in Cornwall, Devon, Dorset, and Somerset, reported that reading was the most defective subject, arising partly from the pronunciation of the peasantry, partly from the difficult character and uninteresting nature of the books employed, and partly from the insufficient time that the children were kept to the study. Mr. Brookfield, in reference to the schools in Kent, Surrey, Sussex, and the Channel Islands, stated that the masters and mistresses employed themselves too exclusively with the upper and easier educated classes, while the poorer and more difficult to educate were left to the care of pupil teachers. Mr. Kennedy, inspector of the Lancashire and Isle of Man schools, spoke of the advance of the pupils in their studies, and showed himself in favour of the system employed; but he also remarked that the children left the school very early, and that he wished them, therefore, to be very carefully grounded in essentials. Mr. Norris, the inspector of Church of England schools in the county of Chester, Salop, and Staffordshire, had during the past year made a memorandum of the proportion of children in each school who could read aloud an easy narrative intelligibly and fluently. He tested the first class by giving the children newspapers, and asking them to read aloud any suitable paragraph. The result had been satisfactory in very few cases, not more than 20 out of the 169 first class pupils he examined last year had he found able to read a newspaper at sight, and not more than one-fourth of the children could read aloud their reading-book intelligibly and fluently. He had no doubt that many hon. Gentlemen had looked over these Reports, and had come to the same conclusion as he had, that the elementary instruction given by the system for which they voted money was insufficient. They were still attempting to rise the standard of education, and the result was that the poorer classes, whom it was their imperative duty to assist, got a superficial kind of knowledge of a great many things, which was of little use to them, and was soon forgotten, while they were left deficient in the essentials of education, which if carefully instilled in early life would stick to them, and enable them thereafter to educate themselves. If they were to continue the present state of things they must separate the system into two, and they must have education for the higher and the poorer classes taught in different establishments, and under a different system of administration. But he denied that it was the proper business of the State, or that it was wise, to attempt to raise the standard of education; and if this was so the sooner they reconsidered the matter the better; every year that they went on the task of retracing their steps would become more difficult. Probably no section of the House, or of the community, wished to see the education of all classes in the country taken in hand by the State, but that must ultimately be the result unless some alteration in the present system was adopted. They had raised the standard already beyond what was adapted to the poorest classes, and they were now educating those whose parents could very well afford to pay for their education. The result of this was that no private schoolmaster could compete with the State schools, and it became more difficult to obtain private and independent education. The system pressed very hard upon clerks and professional men, who had a position to maintain in society, and who were really not so well off as the mechanics of the grade below them, who had no position in society to maintain, for they were too proud and independent in spirit to send their children to be educated at the State schools, and were obliged to go to great expense in their education to enable them to compete with the children of the working men who were educated at the cost of the State from funds to which they themselves contributed. He repeated that the effect of following out the present system would be to separate the education of the poor from that of the class above them, and then they would find all classes of society, one after another, availing themselves of the National Schools. All classes would be gathered into the education net, and before long they would see all the education of the country practically in the hands of the Government—a result which he, for one, was most anxious to avert. He would state what he considered to be the proper duty of the State with regard to education. Elementary education was, in his opinion, a necessary of life. No child in the Kingdom, however poor the parents, ought to be debarred on account of poverty from receiving an education which was necessary to keep it from poverty or crime. He did not, however, think it was the business of the State to force it upon the children any more than it was their duty to force upon them food or anything else. That was the duty of the parents. But it was the duty of the State to educate the criminal and pauper classes, to whom the State stood *in loco parentis.* With regard to all other classes he did not think it was their duty to do so, but only to provide the means of elementary education, and this he did not think it was their duty to do. Let them define elementary education how they liked. Some might think cyphering too much; others might think cyphering too little. He did not attempt to decide such a question; but whatever might be regarded as elementary education that he thought every child should be able to get. In drawing up the Resolution which he had the honour of submitting to the House he had been actuated by no party or sectarian motives; but with a desire, on the one hand, to relieve the public purse, and on the other, to provide a better education and a sounder education for the poorer classes than they at present possessed. He was not afraid of the middle classes letting their children grow up in ignorance, or being contented with elementary education. There was a growing conviction among all classes that an advanced education was the key-stone to an advance in life, and he was convinced that this was so deeply impressed upon the middle classes that they would not forego its advantages for their children on account of the withdrawal of the State aid of which they now avail themselves. He did not think it the duty of the Legislature to attempt to force children out of their station; but he did think they ought to give them the means, which few of them only would be able to use, of raising themselves. It was not his object to discourage education in any way, but to confine the duty of the State within its proper limits, and to ensure that what education was given by the State should be adopted and given to the poorest classes. He believed the result of adopting the principle of his Resolution would be to give a better education to the children of the poor, and to reduce the amount of the Vote to half its present amount in a few years. The hon. Member concluded by moving the Resolution of which he had given notice.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

"In the opinion of this House, Votes in aid of Educational Establishments should, so far as may be consistent with existing arrangements, be limited to those in which elementary instruction alone is given, and to those for the training of schoolmasters,"

—instead thereof.

MR. AUGUSTUS SMITH seconded the Motion.

SIR GEORGE LEWIS: Sir, I have collected from the debates which have taken place in this House from day to day that it is the general opinion of the House that Motions made on going into Committee of Supply should be confined, as far as may be, to questions of urgency. I admit that it is the privilege of any hon. Member to bring any subject before the House on the question that the Speaker leave the chair in order that the House go into Committee of Supply. I do not contest this abstract right; but it is desirable, looking at the present period of the Session and the quantity of business remaining to be transacted in Committee of Supply, and also at the inconvenience to which hon. Gentlemen are put who come to the House in expectation of Supply coming on, that, as far as possible, the business of Supply should commence at a tolerably early hour of the evening. The question now before the House not only cannot be considered as urgent, but it is only by a straining of the rules of the House that it can be brought forward at all, for upon the Motion to-night that the House go into Committee of Supply to consider the Vote No. 1 on the paper, the hon. Gentleman asks us to anticipate the discussion of the Educational Vote No. 4, which may probably not come on for ten days or a fortnight. The Motion amounts, in fact, to a proposal for the reduction of that Vote. The hon. Member expresses himself in general terms, and it is difficult to understand what is the precise meaning of his proposition. I think the present Vote is limited to elementary instruction and to training schools. I do not believe that it is the intention of those who framed the Education Vote to go beyond elementary instruction. But if we wait till that Vote comes on till the Vice President of the Committee of Council on Education shall have made his statement and fully explained the different items, then, if hon. Gentlemen propose to reduce or omit any of those items, we should know what it is we are discussing. As it is the hon. Gentleman has given us a general dissertation on the subject of education, which is less called for, inasmuch as there has been lately published a Report of the Commissioners on Education, in which the whole of this great subject is treated, and very little advantage appears to me to be likely to be gained by these preliminary discussions. I trust, therefore, that the House will see that this is an inconvenient anticipation of the Vote which stands in a subsequent part of the Miscellaneous Estimates, and that the question will be better discussed when the Committee is asked to vote the large sum of money which will be asked for educational purposes.

SIR JOHN TRELAWNY said, he did not think the right hon. Gentleman the Secretary of State for the Home Department was quite fair with his Friend; for no one could tell exactly what Votes were were coming to-night.

MR. BERNAL OSBORNE said, he did not know whether the right hon. Gentleman the Home Secretary would consider the few words he wished to utter on an important question a matter of urgency. But there was a practice which might degenerate into a serious nuisance—he meant the inspection of Volunteers in Hyde Park of an evening.

MR. SPEAKER said, the hon. Gentleman was out of order.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

VOLUNTEER INSPECTIONS.

OBSERVATIONS.

MR. BERNAL OSBORNE said, he wished to draw attention to a system which had just commenced of inspecting the Volunteers in Hyde Park between the hours of five and six in the evening, when there was a great concourse of equestrians and of carriages. Yesterday he saw a regiment of Volunteers inspected. The firing began at half-past five and went on until half-past seven, to the inconvenience of many stout gentlemen on horseback and of ladies in carriages. He himself saw three people run away with. There was a general order at the Horse Guards, signed by the Duke of Wellington, that the Guards were never to fire except in the centre of the park. He feared that to some extent the Volunteers were becoming more inimical to their own countrymen than they were ever likely to be to the enemy. Yesterday they were first file firing and then firing in volleys quite close to the road opposite the barracks in Hyde Park. It was only necessary to draw the right hon. Gentleman's attention to what threatened to be a considerable nuisance, and if the right hon. Gentleman could prevent the Volunteers playing so frequently through the streets he would confer a boon on society.

MR. COWPER said, he had previously heard complaints, that persons could not manage their horses in consequence of the firing of the Volunteers. He thought it desirable that the Volunteers should exercise in a way which would not interfere with the enjoyment or security of persons who were either riding or driving. It had been pressed on the attention of the officers commanding the Volunteers that they should conduct their drill in a manner that would not expose them to complaints similar to those which had just been made by the hon. and gallant Member. Instructions would be given that while the Volunteers had the full enjoyment of the park for their drill it should not be conducted so as to alarm or disturb other persons.

SPAIN AND MOROCCO.

QUESTION.

SIR ROBERT PEEL said, he rose to ask the Secretary of State for Foreign Affairs, Whether he can give the House any information with reference to a statement which appeared in the Official Journal of Madrid on the 29th day of June, stating that the Spanish Government had resolved to abandon its Claim against Morocco, and to declare Tetuan the property of Spain? He could hardly believe that statement to be true. He recollected perfectly well a year and a half ago the right hon. Gentleman the Member for Buckinghamshire being misled by a telegraphic dispatch, and being taunted by right hon. Members on the Treasury bench with believing it. He (Sir Robert Peel) did not know whether the present statement was true or not; but it was so contrary to the assurances of the Spanish Government with regard to Morocco that he thought it of great importance that the noble Lord should reply in a satisfactory manner to the statement. The noble Lord had distinctly declared that "the occupation of that portion of the territory of Morocco imperilled the fortress of Gibraltar." Those were his very words. The words he made use of in writing to Mr. Buchanan at Madrid were—

> "You will, therefore, be instructed to obtain a declaration in writing that if the Spanish troops, in the course of hostilities against Algiers or Morocco, make any occupation of territory it will not be for longer than the ratification of the treaty of peace, since an occupation till an indemnity should be paid may become dangerous, and Her Majesty's Government would consider it inconsistent with the safety of our occupation of Gibraltar."

He trusted the noble Lord would assure the House that the statement to which he referred was not founded on fact?

AFFAIRS OF CHINA.

QUESTION.

COLONEL SYKES said, as the noble Lord at the head of the Foreign Office would be unable to speak a second time he would at once ask the question of which he had given notice:—Whether there is any foundation for the statements in the newspapers by the last China Mail, that the departure of the British Troops from China, consisting of 8,403 men of all arms, has been postponed for an indefinite period: whether the report in the *China Mail* newspaper be true that, on the 30th day of April, a body of 200 armed men from the villages of Swa, Boey, and Outenz, in the neighbourhood of Swatow, marched through the streets of Swatow, at three o'clock in the day, into the hong of Messrs. Bradley and Co., and plundered the same, the Tartar authorities not interfering, and refusing a guard to protect Messrs. Bradley from further outrage: whether information has been received that deserters from Her Majesty's Navy, and Europeans of different nations, to the amount of 200, were known to have enlisted in the Tartar service, twenty-four of whom were seized in Imperialist boats in a creak of the Yang-tze-kiang while carousing, eleven of whom, not being English or Americans, were liberated, and the rest handed over to their respective Consuls: and, whether the Secretary of State purposes to direct steps being taken to prevent British subjects enlisting in the Tartar service or that of the Taepings?

LORD JOHN RUSSELL: I am sorry I was unable to be here at a quarter to four. As I was coming down to the House a foreign Minister called upon me, and I was, therefore, somewhat delayed. But the hon. Member is quite in order in asking his question. The hon. Baronet will recollect that on a former occasion I stated the

Spanish Government had been informed that the Moorish Government absolutely refused to carry into effect the treaty that had been signed between the Emperor of Morocco and the Queen of Spain—that thereupon the Spanish Government made preparations to enforce the provisions of the treaty. Upon inquiries being made at Tangier we were informed that the Moorish Government wished to comply with the stipulations of the treaty, but were unable to perform their promise at the exact period named in the treaty. Upon that the good offices of Her Majesty's Government were offered to and accepted by the Spanish Government. Since that time we have been told by the Spanish Government that they had received official communications to the effect that it is not the intention of the Moorish Government to comply with the stipulations of the treaty; and the head of the Spanish Cabinet, Marshal O'Donnell, said that in that case there were but two courses to pursue—one was to renew the war, and the other was to declare Tetuan to be perpetually annexed to the Spanish Crown, and that they had taken the latter course. It seems, however, that the Spanish Government are ready to receive any overtures, and, therefore, I do not think that the statement referred to by the hon. Baronet could be considered as representing the definitive determination of the Spanish Government. With respect to the quotation made by the hon. Member from my speech, I have to remind the hon. Member that that has no reference to Tetuan. Tangiers is opposite to Gibraltar, but not Tetuan. [SIR ROBERT PEEL: It is only a few miles from Tangiers.] But it is not upon the coast. However, we are not without hopes that affairs between the countries may yet be amicably arranged.

With regard to the questions of the hon. Member for Aberdeen (Colonel Sykes), I can only answer for the Foreign Office, and the Foreign Office has not received any information respecting the circumstances to which the hon. Member has alluded. I am sorry to add, what my hon. Friend will perhaps be glad to hear, that the rebel forces have appeared much nearer to Pekin than they have hitherto approached.

MR. DARBY GRIFFITH remarked that the noble Lord had stated that Tangiers was opposite Gibraltar, and Tetuan not so. Now, Tetuan was immediately south of Gibraltar, and opposite to it. Tetuan was much nearer Gibraltar than Tangiers was. Tangiers was further up the Straits.

LORD JOHN RUSSELL said, the hon. Member must be mistaken about the position of Tetuan. He (Lord John Russell) had spent several days shooting in the neighbourhood, and was, therefore, well acquainted with the locality.

MR. DARBY GRIFFITH said, he also had spent some days in the same position himself.

SIR ROBERT PEEL said, he wished to know if Mr. Drummond Hay had returned from Mogador.

LORD JOHN RUSSELL stated that Mr. Drummond Hay, who was to go to the Court of the Sultan of Morocco, had not yet gone, his departure being delayed for two days.

REPORTING THE DEBATES.

MR. VINCENT SCULLY said, he rose to move, pursuant to notice, for a Select Committee to inquire into the best mode of securing authorized or accurate reports of the debates in that House. He had been frequently asked when he intended to bring forward that Motion, but his impression was that it would be better to move it next Session than at so late a period in the present. However, for the sake of calling attention to the subject at once, he would move the Resolution of which he had given notice.

MR. SPEAKER said, that the hon. Member was not in order in moving, as the House had decided that the proposition that Mr. Speaker do now leave the chair should stand part of the question; and no more Amendments could be moved upon it.

MR. VINCENT SCULLY said, that he would then merely speak on the subject, and he would do so for the purpose of removing the notice off the paper. He might also take that opportunity of announcing — what some Members of the House would perhaps be happy to hear—that private affairs required him to absent himself for a time from the debates of that House. Perhaps his absence might expedite the progress of business, though he was sure it would not be got through in a better manner because he was not present. He said this because his right hon. Friend the Chief Secretary for Ireland had taken advantage of his absence to pass a most important measure—the County Surveyors (Ireland) Bill—through the House at the unreasonable hour of two o'clock in the morning. As he did not intend to bring forward the Motion again that Session, he thought he was entitled to avail himself of that opportunity to state his reasons for having placed it on the paper. Those reasons were based principally upon the past debates in that House, but as it would be out of order to refer to any of those debates which had taken place during the present Session, and within the immediate recollection of hon. Members—the Member who did so subjecting himself to be called to order—he would not be able to illustrate his meaning by examples of recent occurrence. He totally disapproved of that sort of Draconic law which had been repeatedly enforced upon hon. Members who were not Ministers or ex-Ministers; but, as he was an advocate for impartiality, he should take the liberty of enforcing it himself whenever a Minister of the Crown transgressed it. He might, however, observe that he had been induced to give notice on the subject on the day immediately succeeding the debate with respect to the conduct of the Irish Members, who felt much dissatisfied with the reports of the speeches made on that occasion. To what cause the imperfection of those reports was to be attributed he could not exactly say; but the fact was that a number of gentlemen were permitted to be present at the discussions of the House, whose aim, of course, it was to report in that manner which they thought would best suit the interests of the newspapers which they represented. They accordingly acted upon the principle of reporting the debates precisely and exactly in the way which answered their own objects, and not in the way which suited hon. Members of the House. Now, nobody could be a more strenuous upholder than he was of publicity and freedom of discussion, and he was quite ready to admit that very excellent reports were given of all those hon. and right hon. Gentlemen who happened to be Ministers or ex-Ministers, or expectant Ministers. They, therefore, had no reason to complain, but independent Members had, he believed, every reason to be dissatisfied with the way in which their observations were given—or not given, as it might be—to the world. [Mr. WHITE: No, no!] The hon. Member for Brighton might cry "No, no!" and would probably rise in his place, and by fulsome adulation of the press seek to make political capital at his (Mr. Scully's) expense. The hon. Gentleman, indeed, might go so far as to say that he was wonderfully well reported; but nobody, he believed, would endorse that statement except a Minister or ex-Minister, or somebody who had interest with the newspapers. For his own part, he believed he had as little grounds for complaint in the matter as other independent Members; and so far as he personally was concerned, he had never found any fault with not being reported. Newspapers were private speculations, and the gentlemen who reported for them discharged their duties in such a way as it was thought would enable the proprietors to sell their property to the best advantage. But, be that as it might, he, at all events, was perfectly satisfied not to be reported. It was, in short, a matter for the conductors of the public journals, individually or collectively, to say whether they would publish what fell from him in that House or not, or whether his speeches would or would not be likely to tell and sell. He had, he might add, no objection to any amount of comment being made on his public conduct, whether that comment assumed the shape of a libel or not; but he must, nevertheless, complain of what had occurred to himself—he would not say that Session, because it would be out of order to refer to recent debates—but in former Sessions, although he was by no means prepared to admit that the same thing did not take place in the present Session also. He did not mind, as he had before observed, not being reported, or being libelled in the columns of the newspapers all over the United Kingdom. It was matter of indifference to him whether he were reported or not: but what he must object to was being misreported, and having his own mouth made the vehicle for turning him into ridicule. Now, he had been a reporter himself, and he would undertake to go into the gallery with a pencil in his hand and report the speeches of hon. Members in such a way that they would not be in the least degree satisfied with the version which he would give of them, while yet they could not complain of them in the House without making fools of themselves. A speech occupying twenty minutes in delivery would, if reported fully, occupy a column in a newspaper, and, if the reporter condensed it into ten or twelve lines, inserting "laughter" and "ironical cheers" here and there, it would be easy to make it so appear that the House was laughing rather at than with the speaker.

Indeed, any gentleman accustomed to reporting well knew how to polish up a speech for the occasion. Now, he had little doubt that when his speech of that night was reported—if it were reported at all—it would be made to appear that in speaking as he did he was making merely an individual complaint; but, to repeat something like what he had said before, although he did protest against being misreported, he did not care one farthing about being not reported, beyond the general consideration that when an hon. Member was sent to that House at great expense and sacrifice to himself, as well as to his constituents, it was important that they should know what he really did say in the course of the discussion in which he happened to take part. This was a grave constitutional question, and it was of importance that, while the utmost freedom with respect to the publication of the debates in Parliament was allowed, the Commons of England should not for a single moment seem to occupy the position of being slaves of the press; that, while the House of Commons was civil to the press, and the press to the House, and while neither the Third nor the Fourth Estate should be the slave nor the master the one of the other, care should be taken that the Members of the former were not misrepresented by the latter. The House owed it to itself to take care that its Debates were not misreported, and were recorded in some authentic or accurate form. For his own part, he was bound to admit that he had, in order to obtain a hearing in that House, found it necessary to indulge sometimes in that sort of strain of observation of which the Prime Minister furnished the most favourable specimen, and to intersperse sensible observations with a little Attic salt. When, in short, he had first commenced to speak in the House he was in the habit of giving expression to nothing but unadulterated common sense, but he found it necessary occasionally, upon certain unpalatable subjects, to have recourse to what might appear playful nonsense, with a view of inducing the House to give him a more patient hearing. Having said thus much, he would, with the permission of hon. Members, read to them a letter which he had received within the last half hour, and which would show the effect which his speeches, as reported, produced upon his fellow-countrymen — an effect which he was happy to think they did not produce in that House. He had, he might observe, been just advised by the hon. Member next him (Mr. Coningham) not to read the letter to which he referred, inasmuch as it was calculated to place him before the House in a somewhat absurd aspect. Well, the gentleman, whoever he was, who had sent him the letter wrote anonymously, and expressed himself to the following effect. [*Cries of* "Don't read!"] If hon. Members did not wish that he should read the letter, he would not do so; but he thought, nevertheless, that the sacrifice which he was about to make in reading it would be greater than that to which the House would have to submit in listening to it. [*Cries of* "Go on," and "No, no!"] Those hon. Gentlemen who cried "No, no!" were, no doubt, very tender of his reputation; but, be that as it might, he should, with the permission of the House, give them the contents of the letter. It was dated "Dublin, July 3rd. 1861," and the writer appeared to be familiar enough, for, although he did not sign his name to his communication, he began by addressing him as "My dear Scully." He then went on to say, "Pray do not make such an ass of yourself in the House of Commons. We are all laughing at your absurd speeches over here, and the excuse given for you is that you are not quite right in your head." Now, that document was signed "A True Friend;" but he had yet to learn that the opinion which the writer seemed to have of him was that held by the House of Commons; it most certainly was not the opinion which he entertained of himself. Such, however, was the result of the way in which the press placed hon. Members before the public; and if the view expressed by his correspondent was that which prevailed in Ireland, it could be so only because accurate reports of the discussions in Parliament were not furnished. It had, indeed, been said to him by a gentleman well acquainted with the art of reporting, "that if a stenographic account, word for word, of what is said in the House at night were served up to hon. Members in the morning, it would produce on the speakers a sensation similar to that experienced by the City alderman to whom a counterpart of the various things of which he had partaken at a civic banquet was presented on the following day. He was told that if what they said were to be reported verbatim—word for word—they would all be ashamed of their own speeches. To try the experiment he had taken the trouble to have an exact *verbatim* report of all he had said on a particular occasion furnished. The result was that, while when he read what was attributed to him in some of the newspapers he was very much disposed to feel ashamed of himself, he found on referring to the stenographic report that he had actually made a better speech even than he imagined. He should, however, say no more on the subject at present, but as it was one which he regarded as being of great importance, he should, if no other hon. Member took it up, deem it to be his duty to bring it forward on some future occasion.

Mr. BASS said, he hoped the House would excuse him if he for one moment invited his hon. and learned Friend to consider whether the speech he had just made was calculated either to enhance his own reputation, or to add to the dignity and character of the House of Commons. He did not wish to say of his hon. and learned Friend anything unkind, with whom he had been in habits of the most agreeable intercourse since he had entered Parliament, and who, he could remember, used at one time to confine himself to making speeches remarkable for their good sense. If the hon. Gentleman were to persevere in that course he might hold himself absolved in future from the necessity of reading such a letter as that which he had just received from one of his countrymen in Dublin. That the hon. Gentleman was about to pay a visit to his constituents in Ireland might, perhaps, be regarded as a subject of congratulation to the House and the country, and it was even not improbable that the House might get on quite as well in his absence as it had done in his presence. The hon and learned Gentleman had complained that he was not properly reported. He was reported to have spoken no fewer than fifteen times within the last week, and many hon. Members could aver from their own observation that he must have spoken at least as many times more. If other hon. Members were to take the same liberties with the time of the House and the country it would be impossible to pass a single Bill in the course of an ordinary Session. They all knew—many of them had tried the experiment upon their constituents—that if they were ill-advised enough they could make quite as long and quite as unnecessary speeches as some hon. Gentlemen were in the habit of delivering, and if they were not restrained by a feeling of respect to the House, and by a feeling of regard for their own position, the whole of every Session would be wasted in idle talk. He recollected that on one occasion the hon. and learned Member for Cork had occupied an entire sitting with the beginning of a speech. Upon that occasion he spoke for six hours, and at the end of the sitting he had got no further than the commencement of his subject. He would not follow the example he deprecated, and, therefore, he would conclude by expressing a hope that the House would, with a view to its own dignity, and for the advantage of its proceedings, curb with a strong hand the great and growing evil of too much speaking.

Motion, by leave, *withdrawn.*

SPAIN AND MOROCCO.

OBSERVATIONS.

Mr. SEYMOUR FITZGERALD: Sir, the few words that dropped from the noble Lord at the head of the Foreign Department, in reference to the subject brought forward by the hon. Baronet, the Member for Tamworth, are, in my opinion, of so much importance that I am obliged, however unwillingly, to trespass on the time of the House for a few moments, by addressing to it some observations on that subject. The noble Lord in the early part of last Session showed himself very sensible of the importance of this question, and in this House he took an opportunity of assuring us that he had obtained from the Spanish Government a positive promise that they would not permanently occupy any part of the Morocco coast west of Ceuta. We have had presented to us also the despatches which the noble Lord at that time thought it his duty to address to the Spanish Court. On the 22nd of December, 1859, the noble Lord writes the following despatch to Sir Andrew Buchanan, our Minister at Madrid:—

> "With reference to the preparations making in Spain, with a view to hostilities in Morocco, I wish you to observe to the President of the Council and to the Minister of Foreign Affairs, that the differences between the Governments of Spain and Morocco appear to have arisen from outrages committed by the Moors in the vicinity of Ceuta; but that these outrages appear to have been provoked by the defiances of the Governor of Ceuta. If the Spanish Government only seeks redress for wrongs and vindication of their honour, Her Majesty's Government will not interpose any obstacle to their obtaining such reparation. But if the outrages of the wild Moorish tribes are to be made a ground for conquest, especially on the coast, Her Majesty's Government are bound to look to the security of the fortress of Gibraltar. You are, therefore, instructed to ask for a declara-

tion in writing, that if the Spanish troops in the course of hostilities occupy Tangier, that occupation will be temporary, and not extend beyond the ratification of a treaty of peace between Spain and Morocco. For an occupation till an indemnity is paid might become a permanent occupation, and such permanent occupation Her Majesty's Government considers inconsistent with the safety of Gibraltar."

The noble Lord had now informed the House that the occupation of Tetuan is not, in his opinion, an occupation coming within the views expressed in that despatch. It is impossible, however, for the Spanish Government to occupy Tetuan without having immediate communication between that place and the coast, and no person can doubt for a moment that, so far from being satisfied with the occupation of Tetuan, they will insist upon the occupation of some territory in the immediate neighbourhood of the town. I need not remind the noble Lord, because he is well aware of everything that has passed between this country and Spain, as to the possibility of her occupying any portion of the Moorish territory—I need not remind him of the emphatic language which the Duke of Wellington held upon this subject. He is aware also of the course which the noble Lord at the head of the Government, when he was foreign Minister, took on this question; and I cannot allow this opportunity to pass without expressing my hope that we shall hear from some one of his Colleagues, as the noble Lord is precluded from again addressing the House, that the noble Lord has addressed a vigorous and earnest remonstrance against the permanent occupation of Tetuan, or any other portion of the Moorish territory, and that he has echoed the language of the Duke of Wellington, that the English Government will not see unmoved the occupation of any territory which seriously endangers the security of Gibraltar. I regret the more that the noble Lord has spoken in the terms he has done, because they almost amount to an acknowledgment from the noble Lord that the Government of England does not consider the occupation of Tetuan what I believe it in truth to be—a serious attempt on the part of the Spanish Government to extend their territory on the coast of Morocco. For my part I believe that the permanent occupation on the part of Spain of a single inch of Moorish territory is a proceeding which England ought not to permit, and which she ought to do her utmost to prevent.

LORD JOHN RUSSELL: After what the hon. Gentleman has said I may explain that my answer to the hon. Baronet the Member for Tamworth had reference exclusively to a matter of fact, and that I no not think it of advantage at the present moment to enter into a discussion as to the importance of Tetuan or any other portion of the Moorish possessions. But this I say, that I do think it would ill-become the British Government to say that when the Moorish Government have signed a treaty they are not to be bound by the obligations of that treaty. I say further, that I think it is the duty of the British Government to endeavour by all means to promote peace between Spain and Morocco, and not by imputations either on the one country or the other bring on a renewal of the war.

Main Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee.

MR. MASSEY in the Chair.

(In the Committee.)

(1.) £3,035, Embassy Houses &c., Abroad.

MR. DODSON asked under whose authority the repairs of the embassy house at Constantinople were conducted?

MR. W. WILLIAMS saw no reason why our Ambassador at Constantinople should have two establishments. It was a mere waste of public money.

MR. COWPER said, that at certain seasons of the year the ambassador found it necessary to go to Therapia for sanitary reasons, and he presumed the health of our Minister at Constantinople was of some importance to the country. Besides, there was convenience in it, as the ministers of other countries went to Therapia at the same time, and diplomatic correspondence could, therefore, be more easily carried on. The repairs had been conducted by a clerk of the works, who resided on the spot, and who acted under the orders of the Board of Works at home.

MR. W. WILLIAMS said, there was no one who saw the two residences who would not prefer that at Pera to that at Therapia. It was not correct to say that the other ambassadors had residences at Therapia. The Austrian Ambassador had not; he doubted if the Russian Ambassador had. The British Minister never went there till his residence at Constantinople was burnt down some years since. He then took a residence at Therapia, and continued it ever since.

Colonel SYKES said, that the British Legation at Pekin occupied buildings extending over four acres and a half, all of which were in a state of dilapidation. He saw in these Estimates no charge for them.

Vote *agreed to,* as were also

(2.) £2,982, The British Consulate, Constantinople.

(3.) £53,000, Westminster Bridge Approaches.

(4.) £3,914, New Westminster Bridge.

Mr. Alderman SALOMONS asked whether the estates belonging to Westminster Bridge were sold, or whether the revenues from them were brought into the account?

Mr. COWPER said, that the Bridge estates were not sold. The revenue from them would be found in the Finance Accounts.

Vote *agreed to,* as were also

(5.) £8,200, General Register House, Edinburgh.

(6.) £11,200, Industrial Museum, Edinburgh.

(7.) £6,870, Aberdeen University.

Colonel SYKES stated he should be glad of some further explanation with respect to the Vote.

Mr. COWPER stated that the works, the cost of which would be defrayed out of the Vote, were those which were contemplated in the year 1858, when the Vote was first proposed. The title of the Vote included the word "renovations," because the south wing of King's College was in a dilapidated state, and it was proposed to pull it down and build a new wing, which would be appropriated to class rooms. None of the money would be spent upon the erection of a new library or of professors' houses.

Vote *agreed to.*

(8.) £800, Window in Glasgow Cathedral.

Lord DUNKELLIN said, he wished to ask for some explanation of the Vote. In 1858 a Vote of £400 was taken for the subject; but it was not spent, and was paid back into the Treasury last year, and now the sum of £800 was required. He wanted to know why the public should be called on to pay for stained glass in the east window of Glasgow Cathedral. It appeared that the matter was first taken up by voluntary subscriptions. If that subscription had failed, or if the estimate had been exceeded, which was usually the case, that might be laid on the parties, but it was opening up a new and a large question to say that the public should be called upon to make good the deficiency. He was not anxious to run one country against another, but he should be glad to have the principle settled, because he knew of a cathedral in Ireland the authorities of which would be very glad of a public grant for a stained-glass window, and which he had no doubt would be equally acceptable to the congregation.

Mr. COWPER said, that Glasgow Cathedral was public property, and the State derived revenue from the Cathedral lands, and it, therefore, seemed right that Her Majesty, who was the owner, should join with others in the subscription which had been set on foot to pay the expenses of its ornamentation. They had often heard that property had "its duties as well as its rights," and this was one of the duties which arose from the possession of this cathedral. The principle of the Vote had already been affirmed by the House, but the sum voted in 1856 (£400) was found insufficient, and had not been spent. Three years having elapsed since the time when that money was voted, it had been returned to the Exchequer, and it was now necessary to revote the whole sum required. The public faith had been pledged that the nation would act with those who had subscribed for this object, and he was sure that the House would not wish to withdraw from that pledge. Great interest had been excited with respect to this matter in Scotland, and it would be a discredit that the State should decline to join with persons who had gone to great expense for the ornamentation of this cathedral in carrying out a work which would not be merely for local advantage, but would tend to the promotion of the fine arts throughout the United Kingdom.

Mr. W. WILLIAMS said, he thought it most unjust that the public should be called upon to vote money for such a purpese. The right hon. Gentleman was not content with the former Vote of £400, but he now required it to be doubled.

Captain STACPOOLE asked how much revenue was derived from the lands of Glasgow Cathedral?

Mr. HARVEY LEWIS said, that if the property was Her Majesty's and Her Majesty had to subscribe to the fund for the window, he could not see the necessity for coming to the House. He should like to know if it were intended that this should be a precedent? He confessed he could not see, if it were once done, how the House could refuse to do it again.

Lord JOHN MANNERS said, the hon.

Member appeared to forget that Her Majesty did not receive the rents of Royal properties in Scotland and elsewhere, but that the net proceeds were paid into the Exchequer, and, consequently, that the only proper way of sanctioning any expenditure was by a vote of the House of Commons, upon which, therefore, rested the obligation of discharging the duties in connection with that property. He could not refrain from expressing his admiration of the signal munificence of the Scotch noblemen and gentlemen who had contributed a sum amounting to £8,000 or £10,000 for the embellishment of the cathedral. In the annals of modern art no circumstance of a more creditable character was mentioned. It would be strange if the Crown, speaking by the voice of the House of Commons, declined to give a sum of £800 to complete so magnificent a work.

MR. AUGUSTUS SMITH said, that the Vote showed the inconvenience which arose from the severance of the Commission of Public Works and the Woods and Forests. The receipts from the Glasgow Cathedral went into the accounts of the Woods and Forests, and, considering the strange things done by the Woods and Forests sometimes, he could scarcely understand why they had not contributed to this window. The other windows had been filled up by subscription, and only one remained, and though his right hon. Friend said it was desirable, considering it as a work of art, that this window should be filled up, he (Mr. A. Smith) confessed he had never seen a painted window that was worth looking at. He should, therefore, move that the Vote be cut out.

SIR GEORGE LEWIS said, he remembered very distinctly when the Department of Woods and Forests was also the Department of Works, and a great deal was said annually in that House on the inconvenience of combining a department of revenue with a department of expenditure. The consequence was that a Committee of the House recommended the separation of those departments, and they were separated by Act of Parliament with general approval. The result was that the small revenues attached to the ancient cathedral of Glasgow, which were part of the land revenue of the Crown, appeared in the accounts of that revenue, and were annually laid before the House, and of course if there were any payments to be made for the cathedral they ought to be voted by the House.

MR. BLACKBURN said, he was afraid the House did not quite understand the position of this question. There was no call on the House to complete the subscription, as if the subscription which had been entered into had failed. The question stood thus. A number of noblemen and gentlemen had undertaken to fill the windows of the cathedral with stained glass. His (Mr. Blackburn's) own family had taken one window; Mr. Bond, as they had heard, had also taken one. There was no difficulty in getting families to take all the windows, the east window as well as the rest; but as the cathedral was Crown property it was thought only proper that one window should be reserved for the Crown. But let there be no misunderstanding; if the House thought proper to refuse that call on it to improve its own property, as well as to contribute to the advancement of the fine arts, there were many families in Scotland who would be proud to step into their place.

MR. CONINGHAM said, the amount asked for was small, but the principle was of great importance. If the money came into the hands of the Woods and Forests they should have contributed. The difference between Scotch gentlemen and the House of Commons was that they contributed their own property but Parliament was dealing with the property of the nation.

MR. BUXTON said, he would remind the Committee that there was a distinction between that cathedral and the English cathedrals. They belonged to public bodies in the Church—the cathedral at Glasgow was the property of the Crown.

MR. W. WILLIAMS said, he wished to know how much rent was received from this property?

MR. COWPER said, that at the Reformation the Church property in Scotland came into the hands of the State, and did not, as in England, remain in other hands. The income from the Church estate in Glasgow was paid into the Consolidated Fund, and it was in respect of a portion of the property of the State that the Vote was proposed. The income from the Church lands did not go to the Sovereign, but was part of the imperial revenue. [*Cries of* "What is the amount?"] The amount was stated in the reports of the Woods and Forests, but they were not at that moment on the table of the House.

MR. BLACKBURN said, he wished to mention, as one proof of the value of the property, that £1,200 a year, which used to be devoted from the fund to the Glasgow College, had lately been retained by the Government.

Mr. H. BAILLIE said, it was not only the Church lands of Glasgow, but all over Scotland, that were now in the hands of the Crown.

Mr. CRUM EWING said, if the House would give up the amount of the rents to Glasgow the citizens would be very glad to keep their cathedral in repair without troubling this House.

Mr. AUGUSTUS SMITH observed that the Commissioners of Woods and Forests spent large sums of money without making any application to the House.

Mr. MACKIE was understood to say that if the Crown refused to take part in this magnificent work the people of Glasgow would retain all the credit to themselves.

Sir HENRY WILLOUGHBY said, that it was of great importance if there were any outlays that they should be voted by the House, and not expended on the authority of the Woods and Forests. It was very important that every grant of public money should be brought before the House. The right hon. Gentleman alluded to the time when the departments were divided, but unfortunately the Woods and Forests was not represented in that House, and they knew very well that sums were spent by the Woods and Forests without authority from that House, and hon. Gentlemen opposite might consider that the money might have been spent without coming to that House.

Mr. DISRAELI said, he would remind the hon. Baronet that at the time the change was made in the departments it was distinctly arranged that the Woods and Forests should be under the immediate control of the Treasury, and should be represented in the House by the Secretary to the Treasury; and that regulation was still in force. The right hon. Gentleman the President of the Board of Works, therefore, ought not to be called to account, because he was unable to furnish details of matters which were really not under his control.

Motion made, and Question put,

"That a sum, not exceeding £800, be granted to Her Majesty, to defray the Expense of placing a Stained Glass Window in Glasgow Cathedral, in the year ending the 31st day of March, 1862."

The Committee *divided* :—Ayes 159; Noes 51: Majority 108.

Vote *agreed to.*

Mr. Blackburn

(9.) £413, Examination of Plan and Estimate for Main Drainage of London.

Mr. Alderman SALOMONS asked for an explanation of the Vote.

Mr. COWPER said, that the explanation of the Vote was that it was to defray the expenses in connection with a Report made by two engineers, Mr. Simpson and Captain Dalton. The account had been sent in in 1858, but from various circumstances those gentlemen did not appear to have pressed their claim until lately. The Government declined to pay them the full amount, but considering that they had made the Report in reply to attacks on their previous statements, it was thought but fair that they should be paid the expenses that they were actually out of pocket but they were not to receive anything for the employment of their own time.

Lord JOHN MANNERS said, he observed that something like £9,000 or £10,000 had been expended in these inquiries about matters in which the Metropolitan Board of Works was concerned. He hoped the Committee would draw this moral from that fact, namely, that the less the Government interfered in future with the management of metropolitan works the better for the public. He said this because a great metropolitan question was now pending—namely, the Thames Embankment. He trusted the Government would be induced to leave that work to the Metropolitan Board of Works, and would not interfere with that body in the way that previous Governments had done, which had drawn down upon the country that expenditure of which they were now asked to vote so large an item.

Mr. CHILDERS asked why the right hon. Gentleman had not called the account in in 1859?

Mr. COWPER said, the engineers employed were not public officers. They were only engineers employed to do this work. The account was sent in, but could not be placed on the Votes of last year, and so was thrown now upon the Votes of the present year.

Vote *agreed to;* as was also

(10.) £3,000, National Gallery, Dublin.

Motion made, and Question proposed,

"That a sum, not exceeding £160,000, be granted to Her Majesty, towards defraying the Expense of constructing certain Harbours of Refuge, to the 31st day of March, 1862."

Mr. BAXTER remarked that he was glad to observe a greater disposition on the part of the House to reduce the expenditure than had existed for some years past. He wished to call the attention of the Committee to what he considered to be the greatest blot in these Estimates, and he intended, by taking the sense of the Committee upon the question, to endeavour to put an end to the great and ridiculous expenditure that was going on at Alderney, He submitted to the good sense of the Committee whether they ought not to try to stop this expenditure, and thus prevent good money being thrown away after bad, even although it was humiliating to confess in the sight of our neighbours across the Channel, that we had been guilty of great folly ? It stirred one with indignation to examine the various plans that had been from time to time submitted in the interest of engineers and contractors, with the view of making a harbour at Alderney. He held in his hand a remarkable document, entitled *Alderney; a Sketch,* presented to the Select Committee which sat last year on the Miscellaneous Estimates, and which gave particulars with regard to five plans which at various times had been submitted with respect to this harbour. The first plan was devised in 1848, at an estimated cost of £620,000. In 1850, there was another plan, at a cost of £880,000. In 1854, there was a further extension proposed, at an estimated cost of £1,300,000. In 1857, there was a still further extension, at an estimated cost of £1,850,000, and those plans were followed up in 1858 with the greatest plan of all, at an estimated cost of no less than £2,000,000. He desired to call the attention of the Committee to the fact that, of all these various plans, only one had been submitted for the consideration and approval of Parliament—namely, the plan of 1848, which was also the smallest plan. He had the honour of sitting last year on the Committee on the Miscellaneous Expenditure of the Country, and they had rather remarkable evidence given on the subject of Alderney. Sir Richard Bromley stated that the control of the Treasury over the expenditure was nominal, and the Admiralty had no control whatever. The Civil Lord of the Admiralty told the Committee precisely the same thing, and made the remarkable statement that the stones at Alderney were thrown into 120 feet of water without any sort of independent measurement whatever. It was rumoured that the Government were in possession of a Report of an officer of some standing, to the effect that the best thing which could be done with Alderney, in the event of a war breaking out with France and England—which God forbid—would be to blow it up altogether. As a harbour of observation, being out of view of Cherbourg, it was useless; and he had heard military authorities state that it was useless as a harbour of defence, as the country could never supply a sufficient number of soldiers to man the fortifications. He wished to impress upon the House of Commons its duty, as guardian of the public purse, to take the initiative in this matter by withholding the Supplies. The Vote for Alderney was not taken as a military Vote, but they were asked to vote the money for it as a harbour of refuge. He put it to the common sense of every hon. Member of that House if there ever was such a misnomer. Every person must know that Alderney, as a harbour of refuge, was, and would always be, totally useless. He was sure there was not a shipowner in that House who did not know that his vessel would be far safer beating about in the Bay of Biscay, under any circumstances, than if she were to make the harbour of Alderney ; and he was sure his hon. Friend the Member for Sunderland (Mr. Lindsay) would dismiss any captain who ran one of his ships there for refuge. The noble Duke at the head of the Admiralty had stated that fourteen plans for the Harbour of Alderney had been presented ; but he believed that no official would stand up and defend so gross an expenditure as the carrying out of these plans would require. They had already spent on this gigantic folly no less than £860,000 ; and he thought it was high time for such extravagance to be checked by the House. An intelligent witness, Captain Claxton, in his evidence before the Committee on Harbours of Refuge, stated, that in the event of a gale of wind, and vessels running into Alderney for refuge, there would not be room for seven ships. According to the lowest estimate, they would be asked to spend £363,000 more. He trusted, therefore, that the Committee would cease to be deluded by the answer which they usually received on the subject—namely, that if the House refused to vote this money the harbour would be useless. He did not believe that any money they could spend upon it would render it serviceable to the public, and he should, therefore, move that the sum of £90,000 for the works at Alderney be omitted from the proposed Vote.

Mr. LIDDELL said, that in 1845 the Treasury had handed over the execution of these works to the Admiralty; and Sir Charles Trevelyan had, on that occasion, used these words—"We are of opinion that these important public works should be executed under the responsibility and supervision of the Lords of the Admiralty." The Admiralty, having accepted that responsibility, had undertaken a public trust with respect to the expenditure of £3,000,000 of public money. Now, in what manner had they discharged that trust? He found from the evidence of Sir Richard Bromley, the accountant general, given before the Committee of which the hon. Gentleman opposite (Mr. Baxter) was a member, that no control whatever existed over the expenditure, and that he had no means of checking their accounts. The accounts, it appeared, were never audited. The director general of works for the Admiralty stated that the estimates were not submitted to him; they were prepared by the engineers, and by them handed over to the contractors. He did not wish to disparage either the engineers or the contractors, but the system was defective. If a fixed salary and a marine residence were given to a resident engineer, that was not the best means of securing a rapid completion of the works in hand, and without a proper superintendence of such works it was not likely that they would be executed in an efficient manner. The system pursued, indeed, seemed to give a premium on the prolongation of the works. The director general of the works stated before the Committee that he had on one occasion accompanied the Lords of the Admiralty on a visit to the works, but not one question was asked him about the works; and upon being asked how the estimates were framed, he had said, "I have no knowledge whatever." The noble Viscount opposite (Viscount Palmerston) had always denied that Alderney was a harbour of refuge, and had declared it to be a great public work of defence, which was recommended by the Duke of Wellington. The original estimate was £620,000, and the Duke of Wellington must undoubtedly, therefore, be taken to have sanctioned that expenditure; but that estimate had grown already to £1,300,000, and there was a prospect of its being increased to upwards of £2,000,000. He thought it very likely that if the works had been properly carried out the £620,000 originally estimated would have proved sufficient. Harbours of refuge were a great public want. The loss of £1,500,000 worth of property and several hundred lives, which took place yearly for the want of them ought to be regarded, he thought, as a great national discredit. Deputations had frequently waited upon the First Lord of the Treasury and upon the Lords of the Admiralty for the purpose of urging the necessity for the construction of additional harbours of refuge; but they had always been met with the same stereotyped answer, that they had not got the money, and were not in a position to ask the Chancellor of the Exchequer for it. But how could they give that answer with a clear conscience when they asked the House every year for this enormous sum of money to construct what was not a harbour of refuge but a system of defence? For the purpose of ascertaining how other public bodies entrusted with the expenditure of public money conducted their affairs, he had investigated the course pursued by the Tyne Commissioners, who were making large and extensive works of a similar character to those at Alderney by extending their harbour, and he found that there was not a single check that could be named or conceived which was not applied by those commissioners. There were persons employed to weigh every waggon load of material that was thrown into the sea; others who took independent measurements of the work done, as it proceeded, and rendered faithful accounts to their employers. None of these checks, however, existed at Alderney, but the whole superintendence and responsibility were thrown on a single resident engineer. No doubt that gentleman was a man of integrity, and one that could be relied upon, but it was not right that such a responsibility should be cast upon a single person. And, in his opinion, it was the duty of the Admiralty to institute proper checks, and show whether the works for which such large lump sums as were yearly expended were paid had been done. His hon. Friend opposite (Mr. Whitbread), one of the Lords of the Admiralty, had himself felt it necessary that some further check should be provided, and, struck with alarm at the enormous amount of material thrown into the sea in the course of the works at Alderney, had said he considered it his duty to suggest that a system of independent check should be instituted over such a gigantic submarine construction. But these works had been commenced fourteen years ago. How was it that his hon. Friend (Mr. Whitbread) was the first man to suggest, after a lapse of fourteen years, the adoption of a system of independent measurement, which ought to have been established when the works were first commenced? It was not, in his opinion, at all creditable to a public department that they had left undone a work of such importance. He hoped to hear from the Government before the debate closed that they had a definite plan of construction upon which the Admiralty were determined to act, and also that there was some reasonable prospect of the works at Alderney being completed. His vote would depend to some extent upon the reply given to that question, because if it could be shown by the Government that the money already expended had produced an incomplete harbour, and that by a small additional sum the harbour could be made a perfect work, then of course it would be wise to leave the matter in the hands of the Government, trust to their discretion, and vote the money. But on the other hand, if no satisfactory answer could be given by the Government, he should certainly vote for the reduction proposed, and so put a stop to that which he considered an enormous reckless expenditure.

Sir JAMES GRAHAM said, that before the Committee heard any official statement with respect either to the present or the course the Government proposed to pursue for the future, he was desirous of giving a short extra-official explanation of the past as far as he was cognizant of the matter. And he would begin by saying, in concert with the noble Lord at the head of the Government (Lord Palmerston), who had made a statement on a previous occasion upon this subject—a statement which he (Sir James Graham) begged in the most precise manner to confirm—he did not regard the work at Alderney as a harbour of refuge. He was sorry, indeed, to find that it had been so designated, because it was not consistent with the fact, and tended therefore to deceive. The work was designed for defence, and he regarded it as being both of a naval and also of a military character. He had had conversations on many occasions with the late Duke of Wellington on the subject, and it was a work to which the Duke attached primary importance, one which he had himself recommended, and one which even up to the close of his life he had always regarded its progress with great satisfaction. It was not to be dissembled that Cherbourg had justly been an object of England's jealousy in connection with the question of the maintenance of our naval supremacy in the British Channel. But, however, any hostile movement in the British Channel from the westward of Cherbourg must take place between Alderney and Portland. He did not think any objection had been taken to the great works which had been successfully carried on at Portland. By a telegraphic cable communication had been established between Portland and Alderney. As to the military works at Alderney, he believed they were complete, and he spoke upon the authority of Sir John Burgoyne, who had conducted that portion of the construction. Sir John Burgoyne considered them so complete that, for his own military reputation, he desired nothing more than to command a small garrison of less than 3,000 men, and he was confident he could hold on against any force that could be brought against him. With respect to the harbour, he (Sir James Graham) admitted at once that it was not a harbour of refuge. It was the opinion of admirals and generals upon whose authority he could rely, but more especially it was the opinion of the Duke of Wellington, the highest of all military authority, and therefore he (Sir James Graham) felt persuaded that Alderney fortified, and with the means of accommodating ships of war, and as the progress of naval science went on, iron-clad steamers of war would, in conjunction with Portland, form a most important means of checking any naval operations in the Channel; and in the event of any large force being congregated at Cherbourg from the westward it would be found a most sure means of defence. With regard to the expenditure, he admitted it had been large, but to say that there had been no check upon the expenditure was erroneous. He had himself, while at the Admiralty, considered it his duty to superintend and watch very narrowly the expenditure. It was not brought under the attention of the Accountant General of the Navy nor of the Director General of Works. The work had been transferred from the Treasury to the Admiralty, as a very special service of a mixed character, partly naval and partly military. The naval part was under the immediate superintendence of Mr. Walker, the engineer, a man of the highest reputation, of the strictest integrity, and in whom, from long experience, he (Sir James Graham) felt entire confidence could be placed. Mr. Walker was responsible to the Admiralty for the whole outlay upon that portion of the works. He appointed an engineer quite apart from the contractor; the engineer was responsible for the measurements; he made a quarterly report to Mr. Walker; Mr. Walker laid the report before the Admiralty, and it was investigated. Such was the mode in which the work was conducted during the two years he was at the Admiralty, and he was quite satisfied that every security was taken with respect both to measurement and superintendence. The executive Government would tell the Committee their view of the progress of the work, and to what further extent it would be carried. With respect to the past he did not regret the work had been commenced. He was not an undue alarmist. He did not believe that at the present moment there existed any hostile intention on the part of France towards this country; but it could not be denied that France had been making a great outlay, and that her naval preparations were far advanced. Without any immediate intention of hostility to England, that nation might naturally look with something like jealousy at the naval means of this country, and might desire, in consideration of some future contingency on the Continent, to be able by naval preparation to balance the power of England on the sea. They could not conceal from themselves that, whatever might be the present policy of France, that was a possibility, and this country, without giving any just cause of offence to France, was justified in adopting measures of precaution for the maintenance of its naval superiority. He repeated that he regarded this outlay as partaking of the prudential character he had glanced at; though the expenditure must be carefully watched by the House. He believed the present discussion to be not inopportune, and being cognizant of the facts, he should not have discharged his duty if he had not frankly stated his opinion with respect to the past, and he was quite sure that the Government would be ready to state their view with respect to the future outlay which they would recommend the House to sanction.

Captain JERVIS said, he was not about to dwell on the merits of Alderney as a harbour, or a naval or military defence, but he wished to correct a statement made by the hon. Member for Northumberland (Mr. Liddell) as to what had been done from time to time in regard to Alderney. The accounts referred to by the hon. Baronet opposite had been regularly laid before the House since 1850.

Now, he (Captain Jervis) had visited those works, and he could bear witness to the fact that not a single stone had been used there which had not been carefully measured and valued. He did not think that any papers could be more clear than those which had passed the Admiralty yearly in connection with the harbours of refuge.

Mr. PEEL said it was true that the design of the harbour had undergone various alterations, which were principally owing to the increasing size of ships, but still the total estimate for the construction of the works had remained at the same amount for the last five years—namely, £1,300,000. No estimate of £2,000,000 had ever been sanctioned. The view of the question to which the right hon. Baronet the Member for Carlisle had called attention had, he thought, a considerable bearing on the point at issue, because if the Committee were to refuse the Vote under discussion the whole of the past outlay at Alderney would be thrown away, including that which had been granted for the fortifications on the island. Those fortifications were, he might add, of a nature to render the island almost as impregnable as Gibraltar itself; and if the Committee were to vote the necessary sums, we should have a harbour which might, in the opinion of some hon. Gentlemen, be useless as a harbour of refuge, but which, in accordance with the views of many persons competent to form a judgment on the subject, and among them of no less an authority than the Duke of Wellington, was calculated to constitute a most important basis of military operations, and an advantageous place of shelter for vessels of war. The unfinished state, moreover, in which the works at Alderney were at present rendered it highly inexpedient that their progress should be arrested. The breakwater consisted of a base on which a wall was built in masonry, and this submarine base had been extended to the furthest extremity to which it was intended to be carried,—a point which was considerably in advance of that reached by the wall, the consequence of what was that the swell it caused at the entrance of the harbour made it at times dangerous if not impracticable for vessels to enter.

Mr. MONSELL said, that as a harbour for military and naval purposes that at Alderney, no doubt, assumed a character of considerable importance at the time when the works there were commenced; but he should like to know from the noble Lord the Secretary to the Admiralty whether the changes which had since that period taken place with respect to armaments had not completely diminished the value of the harbour. Would it, he would ask, with guns such as those now in use, be possible for a fleet attacked by a more powerful enemy to continue in that harbour without running the risk of being destroyed? It by no means, in his opinion, followed that because Alderney was a harbour of great importance several years ago it should be regarded in the same light in the present day.

MR. WHITBREAD said, that with reference to the question of the control exercised by the Admiralty over the expenditure for the construction of the breakwater, he had to state that the payment of the contractor was adjusted on the measurement by passing it over a weigh-bridge in the presence of a Government officer of the actual cubical mass of stone which was used in the breakwater. Before any payment was made by the Admiralty the measurement was certified by Mr. Walker, the superintending engineer in London, and by Mr. May, the engineer on the spot. It was, therefore, impossible that the Admiralty could be imposed upon unless there was collusion between the contractor and those parties. It was not an easy matter for an independent engineer to go down and measure whether more stones had been charged for than had been used in so enormous a work.

SIR HENRY WILLOUGHBY said, he thought the question before them was one of the most important which had been ever submitted to the consideration of the Committee. The evidence of Sir Richard Bromley and Colonel Greene before the Select Committee on the subject disclosed a system of accounts which were. unparalleled, and the attention of the Admiralty as well as of the Civil Lords was called to the matter. As to Portland Harbour, the consulting engineer and the acting engineer were one and the same person, so that there could not be much check there. Sir Richard Bromley, in his evidence, stated that the mode in which the money was spent upon these works in such large sums was most unsatisfactory—that hundreds of thousands of pounds were expended without any detailed account being received by him in respect to such expenditure—that the practice was for the Admiralty to issue an order for the advance of a certain sum—that he paid the money so ordered; but that the details of how it was to be expended were never submitted to any public audit. He (Sir Henry Willoughby) asked how it could be said that those were accounts which ought to be passed by the authorities of the Admiralty? Why, it was quite clear that those were no accounts at all. What was still more extraordinary, however, was that the inspector of works (Colonel Greene), when asked on what grounds he signed the certificate with respect to the expenditure in the case of military defences, replied that he knew nothing about that which he was called upon to certify. Now, could anything, he would ask, be more absurd than to make use of the name of an important public officer to guarantee payments with the nature of which he was entirely unacquainted? So strongly did he feel the impropriety of such a course, that he addressed a letter to the Board of Admiralty showing the absurdity of making him responsible for works he knew nothing whatever about. It was quite clear, with such facts before them, that the Committee ought to support the Motion of the hon. Member for Montrose, with the view of giving time for the organization of some better system of accounts. It was monstrous that any public department should sanction an expenditure of tens of thousands of pounds, without anything in the shape of a voucher. There was a conflict in the matter between the Treasury and the Admiralty, and in the confusion between the two departments all control was lost. He believed that the nomination of engineers was with the Treasury, the work being considered rather of a civil than of a naval character. There was no doubt the engineer was an honourable man and one of a high character. So far the interests of the public were secure in his hands. Nevertheless, they were spending an additional £800,000 on the works of Alderney alone, while the advantages to be derived from that large outlay were still somewhat doubtful. He hoped that the Committee would not assent to vote the money until they had a better system of accounts before them. The Chancellor of the Exchequer would, perhaps, consider that an excellent opportunity for putting in practice some of those economical rules on which he had laid so much stress.

MR. AUGUSTUS SMITH said, the right hon. Gentleman the Secretary of the Treasury had not given the Committee any distinct information as to the extent to which these works were to be carried, and what plan was to be adopted. It was stated before the Committee of last year that the works were only to be continued on the foundations which had already been laid, but it was evident that new foundations had since been laid.

Mr. CONINGHAM said, that unless it could be clearly shown that fixed defences of that sort would be an effectual protection for our naval forces the expenditure of the money would be useless. With the small military force which the country possessed they could not defend their extensive series of fortifications all over the world. He should certainly support the Amendment, and he almost regretted that the sum to be expended on Dover Harbour had not been included in it.

Lord CLARENCE PAGET said, that in the autumn of 1859, when the Government first came into office, he had been associated with his right hon. Friends the Chancellor of the Exchequer and the President of the Board of Trade to consider the matter; and, having had various engineering authorities before them, they came to the conclusion that it was impossible under any circumstances to stop the works until they came to a certain point marked D on the plan before the House. The foundations had been laid up to that point, and it had been an understood thing with the contractor that the breakwater should be constructed up to the point where the foundations were laid. The contract had been one of a very peculiar nature. From the earliest there never had been any fixed plan with regard to the full extent of the work. The difficulties had been so great that probably former Governments felt it would be necessary to carry it out to a certain distance to ascertain whether that would give shelter. The consequence was that the contractors carried out their foundation to that point, and it was impossible to stop the construction of the breakwater until it came to that point on the western arm. It was also necessary that certain rocks within the harbour, which were really all that prevented it being a very fair harbour, should be blasted—[" Hear, hear!"] —and also that on the eastern arm the breakwater should be carried out as far as some islets marked on the plan K. That was necessary, because the tide made so strong across the mouth of the harbour from the race of Alderny, that, unless the breakwater were carried out that far, vessels would not be able at times to get into the harbour at all. He was not defending the original construction of the harbour, for which he was not responsible; but it was the duty of the Government, when they found the work carried to its present point, to complete it to such a point as would make the harbour a decent harbour. With regard to the utility of the harbour in the event of a war, it was perfectly true that circumstances had very much changed since the Duke of Wellington recommended its construction. The utmost limit of the range of guns then was some 3,000 yards; now we had guns which would carry double that distance. By so much, therefore, Alderney harbour was damaged, and he was willing to admit that, in his opinion, it did not possess the same advantages as when its construction was first commenced. The right hon. Member for Limerick (Mr. Monsell) had, however, overlooked the fact that, if an enemy came there to throw shells into the harbour we had very fine forts which could throw shells at them. He presupposed, too, that the enemy would have command of the sea — an event which he trusted would never come to pass. Undoubtedly, in the event of a future war, Alderney Harbour would be of considerable value as a defensive work, and as a look-out station for vessels watching the coast of France— though, at the same time, he wished to guard himself from being held to be one of those who would have advised its original construction. As to the control over the expenditure on these works, no doubt, when the evidence to which the hon. Baronet opposite had referred was given, there was a deficiency in that respect, but very efficient checks had since been put into practice. The Admiralty, under the circumstances, had as fair a check as could be devised.

Mr. LINDSAY said, the noble Lord had admitted that Alderney was a very bad harbour, and he would ask, if it were full of rocks and dangerous currents, what was the use of enclosing it? No man in his senses would dream of running for Alderney in a gale of wind, therefore it could not be called a harbour of refuge. Then it was described as a harbour of observation, but was it worth while to spend £1,300,000 for a mere look-out station? If necessary, somebody could be placed on the island with a telegraphic wire to communicate with the Admiralty, and that would be a much cheaper and better arrangement. The noble Lord the Secretary to the Treasury used the old stereotyped argument, and said that because £800,000 had been spent upon the place, therefore they must spend £500,000 in finishing it. But what reason had they for supposing £500,000 would finish it. From the experience of Holyhead Harbour, and other great works, it would not be surprising if another half-million or million were required. Then, in answer to the argument derived from the increased range of artillery, his noble Friend had refused to go upon the assumption that we had lost the command of the sea. But, if we retained the command of the sea, what was the use of the fortifications of Alderney at all? He asked whether, if that enormous sum had not been spent there, the French in the event of war would ever have thought of landing at Alderney? The fact was that the erection of fortifications would tempt an enemy there. These fortifications would require 3,000 men, or, according to some estimtes, 5,000 or 8,000 men, to hold them, and could we during war spare such a force for the defence of such a place? He trusted that the Committee would look the matter boldly in the face, and would refuse to sanction any further expenditure.

MR. BUXTON said, he wished to remind the Committee that during the Russian War our gunboats, steaming round and round all the while, laid Sweaborg in ruins with hardly any injury to themselves. Unless, therefore, we had a fleet stationed at Alderney a few gunboats stealing out of Cherbourg might at any time destroy the fortifications.

MR. KINNAIRD asked, whether it would be greater economy to throw away the £800,000 which had been already expended, or to complete the works at the cost of £500,000? Alderney was only eighteen miles from Cherbourg, and considering the enormous expenditure which had been going on there, he thought it would not be wise to abandon the fortifications on that island. He should support the Government in their proposal.

MR. BAXTER said, he thought it was evident, after the speech of the noble Lord, that he was himself opposed to the expenditure. From his speech, coupled with that of the right hon. Gentleman the Secretary to the Treasury, it appeared that the Government had come to no decision yet, for while, according to the latter, the works would cost only £1,300,000, the noble Lord seemed to think they would cost a good deal more. Granting, however, that the Government knew their own minds upon the subject, they might next year be turned out of office, and their successors might take an entirely different view, and sanction a much larger expenditure.

MR. PEEL said, his statement respecting the sum required for completing the works had been made on the authority of the superintending engineer.

LORD CLARENCE PAGET explained that the £500,000 included everything necessary to finish the harbour.

VISCOUNT PALMERSTON: Sir, as the chief argument which induces the hon. Gentleman (Mr. Baxter) to persist in his Amendment seems to be based on an apprehension that the Government may be turned out next year, I will remind him that he and his friends will have it very much in their own power to prevent such a misfortune. He has it in his power, therefore, to mitigate the force of his own argument. The other arguments which have been used are not entitled to more weight. My right hon. Friend the Member for Carlisle (Sir James Graham) has, in the clearest manner, shown that by the best military and naval authorities, this harbour was considered not as a harbour of refuge, but as a most important naval and military position, with a view to the defence of the country from hostile operations in the Channel. In these days people are not very apt to submit to authority; but I do think that upon a point of this kind, upon a question of naval and military tactics, upon a question as to the value of certain arrangements with a view to the defence of the country, the opinions of the Duke of Wellington and of the various other persons whom my right hon. Friend has quoted are entitled to consideration. I am strongly of opinion that their view is the right one. This is a matter which has been often discussed by the best naval and military authorities, and I think there never was a case more completely made out than the value which the station at Alderney, defended by works on the island, would have in the way of crippling, intercepting, and thwarting hostile operations in the Channel by France. It is said that there have been no plans of Alderney Harbour. What my noble Friend the Secretary to the Admiralty stated was, that there have been no fixed plans of the various extensions which have been proposed from time to time. There always was one and the same plan as to the line along which the breakwater was to be carried. The only question was as to the point where it was to end. That was varied according to the different views which at different times were taken of the matter. But great surprise was manifested, and loud cries of "Hear, hear!" were raised, when my noble Friend said there were rocks in the harbour which required to be blasted. The hon. Gentlemen who expressed their astonishment at that statement must be little conversant with naval matters and the construction of harbours if they think you are never to make a harbour where there are rocks which require to be blasted. Why, blasting rocks is the simplest and easiest of all operations. The construction of a great breakwater in deep water—as at Plymouth, for instance—is a work of difficulty, of time, and of expense; but the blasting of rocks is an easy matter. In Holyhead Harbour there were rocks to be blasted; in fact, you can seldom make a harbour in a spot which is free from rocks, and the blasting of rocks under water is a simple and easy operation. But it is said that the changes which, since the days of the Duke of Wellington, have taken place in naval and military warfare have destroyed the value of the harbour at Alderney. I take leave entirely to differ from that statement. The change which has taken place in the mode of propelling ships has increased rather than diminished the value of the harbour; because, from the rapidity of the current of the tides in those waters, the use of steam gives you a much greater command of the harbour than you had before, both in coming in and in going out. Then we are told that the greater range of guns makes the harbour of no value. I maintain the contrary, because we can have much heavier guns, carrying much further, placed in position on shore, than any ship can carry at sea; and your arm reaching from the shore will be much longer and more powerful than the arm of the ship which is attempting to attack you from the sea. Something has been said about ships not being easily hit, but everybody knows that you can hit a ship under way nearly as well as a ship at anchor. Then we are told that the harbour could be easily destroyed. A harbour is not so easily destroyed as some hon. Gentlemen seem to suppose. It consists of water surrounded by stonework, and you might throw a good number of shells at a breakwater or a harbour before you broke it down. That danger, therefore, is not to be apprehended. Recollect, moreover, that you never would have a large collection of ships at Alderney. It is not intended for that purpose. You would merely have a small number of steamers to watch and intercept convoys. They are not easily hit, and they can fire at the enemy as well as the enemy can fire at them. But it is said that these works on the island would require a garrison which might be more usefully employed in war somewhere else. I differ from that view. We have been told by the best military authorities that something like 3,000 men could hold these works against any force likely to attack them; and I say, that if 3,000 men, by holding these works, could thwart and impede the attempts of a hostile fleet upon our shores, they would be more usefully employed there than in any other place to which they could be sent. I maintain, then, that to leave these works unfinished—and remember they are seaworks, which everybody knows if left unfinished will be destroyed by the action of the winds and waves—instead of completing them and making them useful for the purpose for which they were intended, would be the worst possible economy. I trust, therefore, that the Committee will not allow itself to be led away by the fervid eloquence of the hon. Member for Montrose (Mr. Baxter) and of those who have supported him, but will take a calm and dispassionate view of the matter. The statement of my right hon. Friend the Member for Carlisle has shown the value attached to these works by those who, I take the liberty of saying, are better judges than any of us here; and it would be bad economy if we were to throw away the money which has been already expended at Alderney without obtaining a result, instead of, by a little additional outlay, making the works there of great value and importance with a view to the defence of the country.

Motion made, and Question put, "That the item of £90,000, for Works at Alderney, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 50; Noes 65: Majority 15.

Mr. LINDSAY said, that three years ago a pledge was given by the Government that Dover Harbour would be given up, and that only the pier would be constructed. Ever since, however, the Government had taken £50,000 a year for

Dover. He wished to know when the pier and harbour would be completed?

MR. PEEL said, that the habour of refuge at Dover had been given up, and the pier only was being proceeded with. The length of the pier was 1,800 feet, and the estimated cost was £650,000, and the aggregate Votes of the House had been £460,000. If the present Vote were agreed to, there would remain £150,000 still to be voted. The whole work was under contract.

MR. H. A. HERBERT: What is the pier for?

MR. PEEL: For the accommodation of the mail packets and the convenience of coaling ships of war.

Original Question put, and *agreed to.*

(12.) £46,702, Holyhead and Portpatrick Harbours and Works at Spurn Point,

MR. H. A. HERBERT said, he wished to call attention to the Note appended to the Estimate. It referred to the £445,000, which was the estimated cost of the eastern breakwater, packet piers, and postal accommodation at Holyhead, as approved by the Admiralty and sanctioned by the Treasury; the Note said, "As stated last year, it is hoped that a great part, if not the whole, of this £445,000 will be saved." Now, that referred to a large sum which appeared in the Estimates of 1857 on the recommendation of Mr. Hawkshaw, and was intended to be laid out for the accommodation of the mail packets plying between Holyhead and Kingstown. The City of Dublin Company, on the faith of the promise of the Government to provide that accommodation at Holyhead, laid out a large sum of money in the construction of new mail steamers that were now admitted to be the finest and fastest vessels of the kind afloat. But the Government had never performed its part of the agreement; it had done nothing whatever towards the construction of the pier. He should, perhaps, be told that the Company was satisfied with the present arrangements. That was not the case; the last report of the Company proved that it was dissatisfied, and did complain. Even if it did not, there was another interest besides that of the Company—the interest of the public. On the strength of the proposed postal improvements the House had granted a large subsidy to the Company. But in consequence of the non-performance by the Government of its part of the contract it had been obliged to give up the fines it was empowered to retain for loss of time by the Company. The money voted by the House was, to a certain extent, made nugatory by the neglect of the Government. The Company deserved every credit for the manner in which it performed the service; but the public ought not to have to give up a right. The Government was to have constructed a proper pier, as at Kingstown; but at Holyhead there was still nothing but a miserable wooden jetty, without any protection whatever; in some weather the steamers could not run alongside of it without difficulty; and there was always some delay. He did not ask that the whole of the money should be laid out; but the Government was bound to construct the pier, as it had promised.

MR. W. WILLIAMS said, he saw no prospect of a termination to the cost of these works. They were an instance of the delusion practised upon the House by inaccurate estimates. The first estimate for the work was £808,000, but now Mr. Hawkshaw put it at £1,900,000.

MR. LEFROY corroborated the statement of the right hon. Member for Kerry, and hoped that the Government would, at least, take a Vote for a sufficient sum to complete the arrangements for landing and protection from dangerous winds for the magnificent vessels now employed in the public service.

MR. PEEL said, the Estimate, on the face of it, showed that the Government did not desire to conceal the fact that the Packet piers had been approved by the Admiralty and sanctioned by the Treasury in 1857, and he would also admit that those piers were referred to in the postal contract. In 1859 it was arranged that the Government should provide a temporary wooden pier in extension of the old pier, and a sum of £16,000 was voted and expended for that purpose. At the beginning of last year it was suggested that, by a small additional outlay, the temporary wooden pier could be made adequate for the wants of the packet service, and that thus the more costly work that had been contemplated might be dispensed with. Accordingly a Vote of £7,000 was taken, and a note was inserted in the Estimates that the Vote for £445,000 for a permanent pier would probably not be required. It was true that Mr. Hawkshaw had suggested certain reductions in the extent of the proposed works for permanent piers, by which the cost would be reduced to £286,000; but it was thought better, before entering upon that expenditure, to make a further trial of the temporary arrangements. He was informed that, as far as the site was concerned, the commanders of packets preferred the temporary to the permanent pier. There could be no doubt that some covering should be provided on the pier for passengers landing from the packets, but he did not think there could be any difficulty in covering over the temporary wooden pier. With respect to the postal contract, he must say there had been no relaxation of the conditions of the contract on account of any insufficiency of pier accommodation, but, according to a clause in the contract, no fines were to be levied until the accommodation that had been originally contemplated was fully provided. With no power to impose fines on them the packet company had not of course the same inducement to keep time, but notwithstanding that the service had been satisfactorily performed. Under those circumstances, he thought it would be advisable to make further trial of the temporary arrangement, and to abstain for the present from any expenditure upon the more costly scheme.

Mr. BENTINCK said, he was not a shareholder either in the North Western Railway or the Packet Company, nor was he in the habit of taking a passage in the steamers between Holyhead and Dublin. He, therefore, could not be supposed to have any interest in the matter. He, however, frequently found himself in the harbour, and the condition of that harbour was so remarkable that he was glad his right hon. Friend had called attention to the subject. He (Mr. Bentinck) had no sympathy whatever with the arrangement for the accommodation of passengers or the conveyance of letters. He had always held that so long as what were called free trade principles were carried out everybody ought to bear their own expenses, whether for letters or as passengers, and that no one had a right to an Imperial contribution. To that point, however, he did not wish to advert. The important point was this. He would undertake to say that there did not exist in Europe such a specimen of public mismanagement and of wasteful expenditure —he should not be using too strong a term if he said of downright absurdity—as the harbour of refuge at Holyhead. The harbour was originally planned to be constructed at a trifling expense for a harbour of refuge and a harbour for the accommodation and convenience of the public. What was the result? After the northern pier was constructed the harbour was found to be perfectly inadequate for the purposes for which it was designed. It was no harbour of refuge; for, in the first place, the northern pier was not sufficiently extended; and, in the next place, it was entirely open to the sea at the entrance, and was completely exposed. They had expended somewhere about £600,000 when it was discovered that they were proceeding on a mistaken principle, as economy was so apt to do in this country. They had thrown away £600,000, whereas, if they had at the first laid out a larger sum, a sufficient harbour of refuge would have been constructed. Holyhead Harbour was a disgrace to the country, and an exemplification of a system which made us the laughing stock of Europe. Having fooled away £1,100,000 in making a bad harbour, when they could have made a good one for much less money, they were now endeavouring to render that harbour perfectly useless. There were rocks which rendered it dangerous to go into the harbour of refuge at night, and yet they would not go to the expense of having a light ship there. They also grudged a trifling outlay for the convenience of the steampackets which conveyed the mails between London and Dublin, and we proposed to spend more money on the old harbour, which had been previously condemned. Some explanations ought to be given of why they were now about to lay out money in improving the old harbour, the inefficiency of which was the ground for the construction of the new.

Lord NAAS said, he quite agreed that, perhaps, a more extraordinary tissue of blunders had never been committed than had been witnessed in the case of the Holyhead Harbour. The original estimates had been immensly exceeded, the original plans widely departed from, and now, after all the outlay, the harbour was found very inadequate for the purposes for which it had been designed. The packet pier was, however, a different thing from the harbour of refuge, and the harbour of refuge was of no use as regarded the packet pier. Before voting any further sums the Committee ought to be informed of what was the intention of the Government in respect to the packet pier. The wooden jetty at present used for the packets could be only a temporary work.

Mr. LINDSAY said, he believed that it was generally admitted, on both sides of the House, that Holyhead was worthless as a harbour of refuge. They had already spent upon it £1,188,000, and £732,000 more would be required. They were asked to spend that money, not for the purpose of improving it as a harbour of refuge for the saving of life and property, but for the purpose of building piers for the accommodation of certain passengers travelling between Holyhead and Ireland. In so doing they were laying down a dangerous principle, as persons interested in Southampton, Liverpool, and other ports where there were packet stations, would have much stronger grounds if they choose to come and ask Parliament for money to build piers.

Viscount PALMERSTON: There are two questions involved in this Vote—one in regard to the harbour of refuge, the other in regard to the packet communication between Dublin and Holyhead. With regard to the harbour of refuge my hon. Friend who has just spoken is entirely mistaken, as indeed other hon. Members have been, in supposing that this harbour of refuge is a failure. It is quite the contrary. That harbour of refuge is a great success. It has afforded shelter to an immense number of vessels frequenting that channel. During some times of storm there have been hundreds of vessels in that harbour at the same moment. Therefore, my hon. Friend must not imagine that the money expended on that harbour has been thrown away, for the object has been accomplished. No doubt it is quite true that the plans for that harbour have been varied from time to time. The Government had originally fallen into the mistake of adopting a work on too small a scale. That is a very favourite system here when we discuss the Estimates, but it very often turns out not an economical, but, in the end, a very expensive plan. When a work is found not really to accomplish the object in view, it must be altered, and every one knows that altering a work commenced on one plan and adding to it on another, is much more expensive than if the original work had been of the requisite dimensions. If the line of pier had been originally made to include a sufficient area the work might have been made much better, and less liable to injury, than on the line which was adopted. But, nevertheless, the harbour is very valuable to the commerce of this country. My hon. Friend, therefore, need not make himself uneasy with the idea that the money expended has been thrown away. Questions are still pending as to the degree to which the existing piers should be carried out; and these matters require consideration. Then we come to the packet question. I do not admit the justice of the argument of my hon. Friend (Mr. Lindsay) that we ought to put this harbour of Holyhead as a packet harbour on the same footing as Southampton or Liverpool, or any other port from which packets start. We must recollect that Great Britain and Ireland are parts of the United Kingdom. There is a union between them, and it is a matter of Imperial policy and advantage to facilitate to the utmost possible extent the means of rapid communication for letters and persons between the two islands. I hold that to be quite distinct from all questions of private enterprise—it is a national object, and one well deserving of any expenditure within reasonable limits that can be deemed useful for accomplishing so important a purpose. I think, therefore, there is great force in what my right hon. Friend (Mr. H. Herbert) stated in regard to the inconvenience now existing in the temporary wooden pier upon which passengers land; but questions are still pending, and decisions have still to be taken, as to what would, with a view to a permanent arrangement, be the best situation in which to make that permanent work. Some, like the noble Lord (Lord Naas), would prefer the old packet station; others, connected with another railway communication, would prefer the spot where the new works lie. Now, I can assure the Committee that it is the wish of the Government to do that which, on the whole, will most facilitate communication with Ireland. The matter will be fully considered with that view. We hope, in the mean time, this temporary pier will sufficiently answer the purpose; but we quite mean to carry out the permanent arrangement. The only question is where the permanent work would be best placed, in prolongation of the old pier or on the spot occupied by the new wooden pier.

Mr. MONSELL said, he did not think the question of his noble Friend as to what the Government intended to do had been fairly answered. The contract made with the Dublin Steam Packet Company was no better than waste paper. The company had fulfilled all the conditions imposed on them in the most honourable and satisfactory manner, and the Government ought also to fulfil their part of the contract.

Mr. GEORGE said, he must enter his protest against the idea that the temporary accommodation was sufficient for the packets, and he should hold the Government responsible for the damage which might arise to the fine vessels of the Dublin Steam Packet Company at the wooden jetty until their part of the contract was fully carried out. The Steam Packet Company had regularly performed their part of the contract, and during the hard frost last winter, when an additional half hour was granted to the railway companies, the time was almost always made up by the steamers. The original scheme for the construction of the eastern breakwater ought to be carried out.

Mr. CARDWELL said, that the plan referred to was prepared by the late Mr. Rendall, and was intended to provide accommodation for both Irish and Transatlantic steamers. The latter class of vessels did not use Holyhead Harbour, and doubts were entertained whether so large an amount of accommodation as was contemplated in that plan would be required by the Dublin steamers; indeed, he believed that the Dublin Company themselves were as willing as the Government, if not more willing, that some different arrangement should be made. The wooden pier was not intended to be permanent. Among other reasons it was not sufficiently durable; and if the stone pier was not soon commenced the existing jetty would not last until it was completed. It was the intention of the Government, as soon as the Admiralty had come to a final decision upon the subject, to construct a stone pier. He hoped that the House would at all times treat the communication between England and Ireland as a matter of national concern which was of the highest interest and importance.

Mr. BEAMISH said, he thought there ought to have been some declaration on the part of the Government that the works would be proceeded with at once. If it had not been for the statement of the right hon. Gentleman the Secretary for Ireland, the Committee would have been left without any knowledge that a stone-pier would be erected at Holyhead.

Mr. BENTINCK denied that he had implied that the harbour at Holyhead, as a harbour of refuge, was a failure. What he had stated was that it might have been constructed at a much smaller cost. A short-sighted and sordid economy had prevented this harbour being made serviceable at night.

Mr. H. A. HERBERT said, he would appeal to the Committee to bear him out whether there was not a strong inducement to complain of the conduct of the Government? The Government said they intended to make a pier, and yet could not make up their minds. All the facts stated by him had been admitted by the Secretary to the Treasury. It was, therefore, hardly fair to quote in reply to him the Vote from the Estimates of last year, because it was then said, as it was now, that the Government was doubting. The indecision of the Government, however, with regard to that harbour, was no reason why hon. Members should remain silent. He had from the first contended for the necessity of the improved postal communication between England and Ireland, and had successfully struggled against the opposition of the present Chancellor of the Exchequer; and as long as doubt subsisted in the minds of the Government he should continue to urge them to determine on some decisive course of action.

Mr. SLANEY acknowledged the service which had been rendered by Holyhead as a harbour of refuge, and expressed a desire that a harbour should be constructed in Cardigan Bay for the reception of ships which were driven into that bay by westerly winds.

Vote *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £64,556, be granted to Her Majesty, to defray the Expense of Erecting, Repairing, and Maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland, to the 31st day of March, 1862."

Mr. GREGORY said, he regretted that the conduct of the Royal Dublin Society compelled him to move that the sum of £882 for additions, repairs, and alterations, and £1,500 for erecting a new palm house at the Glasnevin Botanical Gardens, be struck out of the Estimates. The Royal Dublin Society was of considerable antiquity, having been founded exactly 130 years before. As an institution it had been of great utility in Ireland, and so far from wishing to curtail its resources he would desire that it should receive, under more favourable circumstances, a larger grant of public money. The question at issue was this: There were botanical gardens at Glasnevin, which were the property of the public, supported by public grants. In 1791 the House of Commons granted divers sums for the purpose of establishing those gardens, and the Royal Dublin Society was entrusted with the monies for carrying that purpose into effect. Since that time also various Parliamentary grants had been made to the Royal Dublin Society in connection with the gardens. In answer to his Motion it would probably be urged that these were private grounds managed by a private society, but the fact was that, whereas down to the year 1836 the society had received £300,000 from Parliament, the contributions from its members only reached about £20,000, the greater portion of which amount had been consumed in the purchase and furnishing of Leinster House. Since 1854 Parliament had annually voted £6,000 for the society, and additional sums varying from £1,000 to £1,700 were to be found yearly in the Estimates for incidental expenses. The average subscriptions for the last six years were only £1,300, or less than one-seventh of what they received from Parliament. The Select Committee which sat in 1836 laid down the principle that the grants to the Royal Dublin Society were given to them as trustees, and not as absolute proprietors, and since the establishment of the Council of Education the establishment in Dublin was regarded as one of their branch offices. The citizens of Dublin, seeing what was going on at the other side of the water, how, after Divine service on Sundays, Londoners were enabled to enjoy themselves at Kew and Hampton Court, and having the same love of natural beauties and equal capabilities of appreciating them, felt with regard to public gardens towards the maintenance of which they themselves contributed that they ought to be in an equally advantageous position. A great deal of fuss had been made about a petition signed by 6,000 inhabitants of Dublin against opening these gardens on Sunday; but on Tuesday last he presented one signed by no less than 16,500 of the people of that city, including five of the Judges of the land, 900 professional men, and 2,740 voters, praying that they might have the enjoyment of rights similar to those exercised by the people of London in respect of Kew Gardens. The corporation, the trades assembled in common hall, and the police magistrates of Dublin had pronounced in favour of opening those gardens on Sunday; and in such a case the opinion of men who from their experience knew what was likely to have a beneficial effect on the minds of the working classes, ought to receive great attention. A deputation waited on the Lord Lieutenant, and asked him to use his influence with the Dublin Society. His Excellency communicated with the Department of Science and Art; and the papers containing the correspondence on that subject had been laid upon the table of the House. From those documents the Committee would see that every effort had been exhausted by those who held the views which he now advocated in order to induce the Royal Dublin Society to concede what was asked before they resorted to the step of endeavouring to coerce that body by having a portion of their grant taken away from them. He regretted that, owing to all remonstrances having proved unavailing, it was now necessary to take that course in reference to a society which he very much respected. The Committee of Council on Education, in a communication of the 19th of March, stated that they considered that "admission to the gardens should not be limited to members of the Royal Dublin Society, but that they should be open to the general public after the hours of Divine Service." In reply, the secretary stated that in order to so open them, a large increase in the number of the assistants—which it would be perfectly out of the power of the society, with their limited means, to make—would be necessary. He then went on to say that, after a full discussion on two former occasions, a large majority of the members had negatived the proposition. He next, though very lightly, touched on the private character of the question. It was, indeed, private as regarded the pleasure, the convenience, the sentiments, and the consciences of the members of the Royal Dublin Society, but it was very public as regarded the demands of that society on the taxpayers of the country. Mr. Norman M'Leod, in an able reply, informed the secretary that the argument on the ground of additional expense would not hold good; and in illustration instanced the cases of Hampton Court and Kew. The additional expense caused by opening the latter on Sundays was £150 per annum; and as it appeared that out of the 425,314 persons who visited Kew Gardens during the year 1860, no less than 176,983 were Sunday visitors, that additional expense did not amount to £1 per 1,000 persons. The Royal Dublin Society assumed that the opinion of the majority of their members at two several meetings expressed the feelings of the majority of the people at large. That was exactly the argument used by every close corporation. They were always the intelligent portion of the community, and they were only small minorities who ventured to oppose their exclusive proceedings. The Royal Dublin Society observed that the grants voted to them had been small. He thought that assertion was true; but if they wished to gain favour in that House they must adopt a different system from the exclusive one. He would beg of the Committee to remember that the question had nothing whatever to do with the proper and legitimate observance of the Lord's Day. The Dublin Society, as a body, had not treated it as if it had. He was aware that it had been endeavoured to give it that complexion; but the society itself had hardly encouraged that view of the case. A public meeting had been held in Abbey Street, Dublin. He did not know whether it was opened with the Doxology, but a number of clergymen of extreme views were present; and he had no doubt that the whisky interest was well represented. A speech had been delivered by Dr. Gayer against the opening of the gardens on Sunday, in which he stated that the agitation for opening the gardens on that day did not originate with the people; whereas it was the movement of the artisans on the subject that first induced the other classes to take part in it. Dr. Gayer then told the artisan class that they might on Sunday walk along the "shady banks of the canal," or along the length of the "Circular Road." Now he (Mr. Gregory) believed that of all the cities in the empire Dublin was the only city where the artisan class had not an opportunity of seeing a flower from year's end to year's end. Yet, Dr. Gayer told them to go to the "shady banks of the canal" or the Zoological Gardens, which were open on Sundays, and where they could enjoy the sight of the wild animals. He then talked of the opening of the gardens on the Lord's Day leading to drunkenness, to filling the public-houses in the vicinity, and establishing a sort of Donnybrook. He begged to say that a more shameful slander upon the people of Dublin never was uttered. The real supporters of public-houses and of tippling on Sunday were those who would not allow the people to enjoy innocent and profitable recreations, by shutting against them the doors of gardens and other public grounds on Sunday. The testimonies given as to the excellent conduct of the people in Kew Gardens on Sunday, and also the uniform good behaviour of the people at the Zoological Gardens, Dublin, on that day, proved the groundlessness of that objection. Th returns of the summary convictions in Dublin showed that in 1858, out of 18,500 such convictions, only 9,309 were for drunkenness, and that fact proved how little ground there was for believing that they would be guilty of excesses on Sunday in the vicinity of the Royal Society's Gardens. There was a cemetery at Glasnevin, in the neighbourhood of the gardens, and it was alleged that the people would get drunk at the funerals, then proceed to the gardens and destroy the rare flowers and plants which it contained. Not to speak of the unlikelihood of persons getting drunk when they were committing those dearest to them to the tomb, the answer to the allegation was that the funerals were over by twelve o'clock, and it was not proposed to open the gardens till two. Then the objection drawn from the privacy of the gardens had no force. The subscriptions only amounted to £1,300 annually, the rest of the money necessary being made up of public money. As the subscription was only £2 a year, and included admission to the library, and other advantages, he could not help thinking that the subscription was a very good investment. Although the members of the society wished to keep the poor artisan from viewing the garden and flowers on Sunday, yet they visited the garden themselves on that day with their wives, little ones, and friends. So that the whole thing was a mere exclusive pretext to keep out what the members of the society, doubtless, considered the rabble. Then, it was said that there would be such an influx of visitors on Sundays that the gardens would not hold them. The Glasnevin Gardens were of forty-three acres in extent. Now, he ascertained from Sir William Hooker that in one day upwards of 13,500 persons were present in Kew Gardens, which had an area of seventy-six acres. The members of the Royal Dublin Society need not, therefore, be afraid that there would not be room in the gardens for all those who wished to attend. There had been no mischievous agitation on the subject. The memorial for throwing open the gardens on Sunday had been signed by Conservatives as well as Liberals. The prayer of the memorial had been advocated in "another place" by the Earls of Eglinton and Donoughmore, and also by an Irish prelate whose speech reflected the highest credit upon him. He would make two proposals to the society. Let them either give up the gardens to the Board of Works, or admit the public during the same hours as at Kew, charging one penny per head the first year, a halfpenny the second, and admitting the public free afterwards. He trusted that the Government would meet the society with firmness, and that hon. Gentlemen on the Conservative benches would show to the people of Ireland, where they were gaining confidence, that that confidence was not misplaced. He entreated the Committee not to reject, for the sake of humouring the exclusiveness of an oligarchical society, the prayer of 16,000 artisans of Dublin, who asked to refresh their eyes, gladden their hearts, and elevate their tastes by the admiration and enjoyment of the most beautiful works of Nature.

Motion made, and Question proposed, "That the item of £2,382, for the Royal Dublin Society, be omitted from the proposed Vote."

SIR EDWARD GROGAN said, he could not but express his regret that the hon. Gentleman who had just resumed his seat should have addressed the Committee in the tone which he had adopted towards the members of the society. The hon. Gentleman's speech was in truth nothing more than a recapitulation of the printed papers for which he had moved, which had been circulated amongst hon. Members, and which they were as competent to read as he was to speak them. There was, however, this difference between the two modes of becoming acquainted with their contents, that the hon. Gentleman (Mr. Gregory) had drawn attention to those parts of the papers only which were favourable to his own view, and had kept in the back-ground entirely all that would make in favour of the Royal Dublin Society's view of the question. It was only right that the Committee should know the real facts of the case before they proceeded to give a vote upon the hon. Gentleman's Motion. The Royal Dublin Society was a very old institution, having been founded in 1731. It obtained a Royal charter, and was endowed for many years by the Irish parliament. It consisted of Irish gentlemen, who assembled together for the purpose of promoting agriculture; and such was the state in which the union of the two kingdoms found the society. It was then in receipt of a grant of £15,000. In 1836 the Society passed a resolution repudiating the right of alienating any portion of their property for the private advantage of their members, and admitting that they held their property subject to a public trust. In the year 1854 a long correspondence took place between the Government and the authorities of the society, the Government having it in contemplation to give a grant to the public for purposes of recreation, and they thought it well that it should pass through the hands of the society. The Government, at the same time, gave it as their opinion that greater facilities should be given to the public for admission to the museum, library, and Botanic Gardens. The gardens (said the minute) ought to be opened on every week day, and a similar rule should be extended to the museum and library. The minute added that their Lordships (Board of Trade Department of Science and Art) did not propose to diminish the responsibility of the society in the management of the funds entrusted to it by Parliament. The Minute proceeded—

> "My Lords may from time to time request Returns and instruct competent persons to report on the state of the gardens, the museum, and library, but, beyond aiding the society in giving the fullest publicity to its labours, their Lordships will not interfere in its management."

It was upon that understanding that the society agreed to surrender a number of their privileges to the public. The public had the benefit of the change, in consequence of a distinct bargain, but the society remained perfectly independent, and a more straightforward and high-minded body of men could not be found anywhere. There was no sectarian feeling among them at all; and any man, by paying twenty guineas, or, if he preferred it, two guineas a year, could become a member. It was found necessary that everything should be settled on the clearest basis, in order to avoid misconception, and a deputation empowered to make the necessary arrangements came up to London and conferred with the Board of Trade on the matter. One of those gentlemen was Mr. Hamilton, then Member for the University of Dublin, who had various interviews with the present Chief Secretary for Ireland, who was then at the Board of Trade, which then occupied the position in regard to the institution which the Educational Department did at the time he was speaking, and the result of the negotiations was such as he had described, the society exercising its functions entirely free from the control of or responsibility to the Board of Trade. Every one of the propositions of the Government was assented to by the society, and they had studiously fulfilled their part of the engagement. It was, therefore, most unfair on the part of the Government to depart from a positive engagement and introduce a new and unexpected stipulation. The hon. Member for Galway having once represented the city of Dublin ought to have known better than to speak of the members of the society as he did, for a more independent, intelligent, and respectable body of men could not be found. He believed that many gentlemen had joined the society who would not have done so had they contemplated that such an arrangement as was now proposed could have been forced upon them. The hon. Member for Galway disparaged the subscription of members; but how much did the gentlemen of London subscribe to Kew Gardens, the National Gallery, or the British Museum? He did not object to the grant of public money to those institutions, nor had he the slightest wish to diminish it. In the last six years the sum of £660,370 had been voted for the British Museum, and £97,300 for the National Gallery. He mentioned those two institutions because they were somewhat analogous in their character to the Dublin Royal Society, being alike for the benefit of the people. The library of the Dublin Society was extremely well frequented—often, indeed, inconveniently crowded. In addition, in the last six years, £106,520 had been voted for Kew Gardens and pleasure grounds, while, on the other hand, only £35,415 had been in the same period of time voted for the Dublin Society, with its library, museum, and botanic gardens. With regard to the subscriptions from members, he found that in that time they had contributed £21,811, considerably more than half the expense of maintaining the society. As the grant to the society was required for repairs and new works, its withdrawal would be an injury to the public no less than to the society. He could state from his own knowledge that very few of the members visited the gardens on the Sunday. These gardens were a quarter of a mile from the city bounds, and adjoined a large Roman Catholic cemetery. There were also a number of whiskey shops in the neighbourhood, and those who knew how mourning and drinking were sometimes combined in Ireland could judge whether it was desirable that the grounds should be unreservedly thrown open on the Sunday to visitors from such quarters. He had presented a petition from a large body of people in Dublin, to whose religious feelings violence would be done by opening these gardens on the Sunday; and why, he asked, should a different rule be adopted in reference to Ireland than that which had been followed in this country in regard to the British Museum? When it was proposed to open that institution on the Sunday the noble Lord at the head of the Government said that it would have a bad effect on the moral sense of the country if Parliament should appear less careful of the religious feelings of the country than the people themselves. As to the Dublin Society being an exclusive or oligarchical society, he ventured to say that the hon. Member for Galway, notwithstanding his speech that night, would be admitted a member if he offered himself a candidate for that distinction. Some of the first men of the country were at the head of the society, and the question had been deliberately submitted to them, and as deliberately rejected by them. In June, 1858, the question was decided by the society against the opening of the gardens on Sunday, by a majority of 140 against 37. In the subsequent year the question was again brought forward, when the majority against the opening was 129 against 18. In the present year another division was taken on the question, when there were 207 against the opening and 40 in favour of it. He wanted to get a distinct opinion of the House upon the question, because it was better that the country should know at once, if the fact were really so, that the House of Commons no longer thought the observance of the Sabbath desirable. It was better that the country should know at once that the Parliament of this Protestant country did not hesitate to punish the Royal Dublin Society, because they expressed their unwillingness on the grounds stated to open the gardens to the public on Sunday.

Lord HENRY LENNOX said, that the observations which had just been addressed to the Committee could not be passed unnoticed by those who felt, as he did, the necessity of opening gardens and places of innocent recreation on the Sunday. He must enter his protest against the assumption of the hon. Member (Sir Edward Grogan) that the Vote they were about to discuss involved in even the remotest degree what was properly called the "Sunday question." Neither could he concur with the hon. Member in thinking that the opening on the Sunday of these grounds near Dublin had any analogy to the opening of the British Museum. The Motion for opening the latter place on the Sunday created great interest in his mind, and for several weeks before it came on he occupied himself in going about on Sundays and endeavouring to obtain some idea as to how many of the humbler classes passed their leisure hours on that holy day; and the Committee would scarcely credit if he were to tell them how extremely small were the places in the shape of gardens which were thronged by artisans, who seemed to be grateful for anything bearing the name of a garden in which they could pass their Sunday. He was connected with a country where more, perhaps, than in any other part of the United Kingdom what was termed Sabbatarianism had taken a deep root, and where the well known story had become a sort of proverb that "You mauna whistle on a Sunday." In that country both the great cities had entered the lists to vie with one another. At Edinburgh all sects joined in this crusade against Sunday recreation; and because gingerbread nuts, or some other slight refreshments, were sold on the Castle Hill, it was proposed that the inhabitants should on a Sunday be prohibited from climbing up the romantic slopes of that hill and gazing from its summit on their beautiful city. At Glasgow the clergymen of all denominations, he regretted to say, banded themselves together to anathematize those who went by the steamboats to view the picturesque scenery as the vessels glided down the broad stream of the Clyde. Now, he asked, what class in this kingdom most needed an opportunity for recreation on the Sunday? The Zoological Society's grounds in Regent's Park was a fashionable promenade on a Sunday; it was crowded by the "Upper Ten Thousand." Was it a sin, then, for poor people who were toiling all the week, and rarely saw the light of Heaven, to seek rest and innocent recreation on the Sunday? He could not think so, while it was not denied to those who had the most of the week to themselves to do so? So with regard to the Crystal Palace, there the last move that had been made was one by which the middle and upper classes, who could afford a yearly subscription of two guineas, were enabled to enjoy the gardens on a Sunday, and even to dine in the Palace itself. As for Richmond and Greenwich, the House needed not to be reminded how they were crowded with the carriages of the aristocracy on the Sunday. But it was said that the case of Glasnevin Gardens was altogether an exceptional case, that these gardens being in the neighbourhood of a Roman Catholic cemetery, and the convivial habits of the Irish people considered the opening might probably lead to riots; but then the petition to which allusion had been made, and which was signed by the present Lord Lieutenant, by the late Lord Lieutenant, and by many magistrates, proved that those to whom the duty of keeping the peace was entrusted feared no such result. He should certainly support the Motion of the hon. Member for Galway, although he regretted the form in which it was presented to the Committee; because, from the high character of the members of the Dublin Society, he should be sorry to give his voice in favour of any Motion which could have the effect of depriving them of their usefulness. He must, however, take the word of the hon. Member for Galway for this, that every other means to effect the desired object had been tried without success, and that the present Motion was the only alternative left him.

MR. BUXTON said, he would suggest that the Motion should be postponed until next year in order to see whether the society would take warning from what had passed. The hon. Baronet who opposed the Motion had no right to say that in voting for it the House of Commons would be declaring against the observance of the Lord's Day. In voting for it he should feel that he was promoting the proper observance of Sunday. He could not conceive that any one could have investigated the Sunday question without coming to the conclusion that the day should be spent, not in worship alone, but in refreshment. [*Cries of* "Oh!"] Well, he would say, then, in recreation. One of its main purposes was left unfulfilled, unless part of it was so employed. He believed that most thinking persons held that view, but that the temptation was very strong not to utter a sentiment which was sure to call forth violent hostility. It was, however, right not to hush up such opinions, for it would do much for the physical, moral, and even for the religious health of the people, if the heavy bondage regarding the Lord's Day were in due measure relaxed. Moreover, there was something to him almost shocking in the idea of affecting to think the opening of public gardens a desecration of the Sabbath, when they all knew the easy, luxurious, delightful manner in which they never scrupled to spend the day in their own country homes. They all derived infinite enjoyment from their own parks and pleasure grounds; and how, then, when asked to afford pleasures the same in kind, though, unhappily, less in degree, to their hard-worked brethren, could they cast up their eyes and talk about the desecration of the Sabbath? The opposition to such measures of relaxation arose, in many cases, from the purest principle; it arose too often from sheer cowardice. But he was confident that, of whatever faults that House might be guilty, of this fault it would not be guilty—namely, of shamming a superstition which it did not feel.

MR. GEORGE said, it was not his intention to follow at any length hon. Gentlemen on the religious topic which had been so much dwelt upon, believing it to be beyond the real question that was to be decided that night. The Royal Dublin Society had not, he believed, grounded their refusal upon points connected with religion. Neither was it his intention to comment at any length upon the tone or temper of the hon. Gentleman who had raised the question. He (Mr. George), however, could not avoid observing that the Motion came with a very bad grace from the hon. Member for Galway, and that the tone in which he spoke of a great number of gentlemen who were connected with Dr. Gayer in the Dublin Society was scarcely worthy of him. He did not think the Motion was brought forward with candour. The hon. Mover said the Royal Dublin Society had asserted the right of private property as against the Government of the country, when he must have known that they utterly and entirely repudiated any such claim. They admitted that they held the property in trust for the public, and subject to the decision of Parliament. But there was another point. In 1854 a deliberate compact was entered into between the Government and the society that, in consequence of the society handing over to another body certain lectureships, the Government undertook that the gardens should be opened for six days in the week; that they would not interfere in the general management of the gardens by the society; and that they would give up all control of the school of art as soon as it became self-supporting. The Government ought not, therefore, to suspend the operations of the society by putting a stop to the Vote.

MR. CLAY said, he wished to protest against the question before the Committee being treated as a Sunday question. He had been in these gardens, and he had found them three parts full on Sunday with well-dressed people. The question was whether the poorer part of the community should be admitted to the same privilege. The society had been described as extremely harmonious and well regulated. Nothing was so comfortable as to do as one liked, but he trusted the Committee would not allow the society any longer to debar the poorer classes from innocent amusement and recreation. He did not think it desirable that they should wait until next year, unless there was some intimation from the Government that the general wish of the Committee would then be satisfied.

MR. LOWE: Sir, I hope the Committee will be of opinion that the Government have acted in this matter with fairness and moderation. The Committee of Science and Art were asked by the Lord Lieutenant as to what should be done in the matter, and guided by the analogy presented in other cases, they without hesitation expressed the opinion—the view may be right or wrong—that these gardens ought to be opened on Sundays, and that opinion we communicated to the Lord Lieutenant. We received in reply a letter from the Royal Society alleging reasons why the gardens should not be opened, and which appeared to place the question on the ground that the society claimed to itself the privilege of negativing such an opinion coming from the Government, taking up, in fact, towards us the position of a private society. Like Hotspur "Yet they did deny their prisoners;" still maintaining that they had a right to receive the public money, and that it would be a breach of faith on the part of the Government to interfere with them in any way. It was under these circumstances that we were waited on by a large deputation of Irish Members, and asked to withdraw the Vote from the consideration of the House. That step we refused to take, because we desired that the society should be afforded a full opportunity of deliberating on the matter calmly. Since then a debate, in which the subject was very ably treated, and in which it was clearly shown, I think, that the society ought to reconsider the course which they appeared to have decided upon adopting, came on in "another place." I am sorry to say, however, that no impression seems to be made upon them by that discussion, and that it looks as if they were disposed to push matters to the last extremity. The question whether the gardens ought or ought not to be opened on a Sunday is, no doubt, one on which hon. Members generally will be found to entertain different opinions. It is, however, a question on which I have no doubt myself, but I do not, nevertheless, presume to judge for anybody else on the subject. But, be that as it may, there can be no doubt that this society has received £400,000 of the public money, and is in the receipt of money now from two departments of the State to the amount of something like £8,000 a year. [Mr. WHITESIDE: £2,000 of that is a casual Vote.] But it is a casual Vote which comes every year. Now, that being so, I cannot help thinking that the society must be held to enjoy the advantages which it possesses *cum onere*—that is to say, upon the condition that in exchange for so large an amount of public money it should consent to make itself responsible to the Government for the uses to which that money is applied, and that if it can itself conscientiously make use of those gardens on Sunday it might conscientiously permit them to be made use of for the public good. I hope, at all events, that whatever decision the Committee may arrive at with respect to the opening of the gardens—which is after all a minor question—they will be of opinion that it is absolutely necessary that a society of this description should not be allowed to arrogate to itself the right of rendering itself irresponsible to any department of the Government. I may add that as we have hitherto proceeded in the matter with as much of moderation as we could do consistently with the views which we entertained on the subject, it would be well if the Committee would consent to carry that policy one step further. The Vote to which we are now asked to assent is one for hothouses and other buildings, for which the contract has been no doubt already entered into on the strength of this money being granted by Parliament, and I would therefore suggest that we could not, consistently with good faith, refuse to give a sum of which if we decline to vote it we should not really be depriving the society so much as the contractors to whom I have referred. There will still remain a sum of £6,000 to be granted, and in dealing with that amount the Government will no doubt be willing to pay due regard to the views and wishes of the House. The adoption of this course will afford the society time to consider the question still more fully, and I hope those hon. Gentlemen who may have influence with its members will make use of that time in endeavouring to win them to moderation.

MR. VANCE said, the position of the society rested on the opinion expressed by the Government to the deputation as to the independence of the society and documentary evidence which showed that the society had the power of using the money for any purpose they might think proper, and also on account of the peculiar position of the gardens, which were not of a size to be opened to the public, as were the gardens at Kew. The Royal Dublin Society had been entirely misrepresented. It was not a small society in Dublin, but a society composed of 1,500 of the first and leading gentlemen of Ireland, comprising in their number as many as forty Peers; and when the society had considered the question they had carried their views by majorities of seven to one. He rejoiced to hear that the moderation of the Government would not advise the House to refuse the grant. By the compulsion of a refusal of the grant the gardens would not be opened to the public on Sunday. It would not; for the society would refuse it. He really did not think it necessary to trouble the Committee further.

COLONEL DICKSON said, he thought the hon. Member for Galway had brought the question forward in a very fair and temperate manner, and that the argument raised by his hon. Friends on his side of the House had no grounds at all. He rose for the purpose of impressing upon the Government that they ought for once to come forward and state in a straightforward manner the course they intended to pursue. The hon. Member for Brighton had made a proposition which relieved him (Colonel Dickson) from a difficulty in which he was placed. He was extremely unwilling to oppose the Vote, for this reason among others—that if the Vote were once got rid of they might find some difficulty in getting it back again. He hoped, therefore, that the proposition of the hon. Member for Maidstone (Mr. Buxton) would be acceded to; and that if they got an assurance from the Government that they would not allow the Lord Lieutenant to be made a mere King Log in the matter, his hon. Friend would not press his Motion.

MR. CARDWELL:—I think nothing could be more straightforward and temperate than the statement just made by my right hon. Friend (Mr. Lowe), in whose department this Vote lies. I have, I may add, the greatest respect for the members of the Royal Dublin Society, with whom in 1854 I had the privilege of communicating, when President of the Board of Trade, with respect to the extension of their grant. That extension was accorded to them, and the record of what passed on the occasion is contained in a paper which I now hold in my hand. The arrangement then entered into was that with regard to certain departments the Board of Trade should possess a direct superintendence, but that with respect to those matters of high art and general agricultural improvement to which this excellent society devoted its useful labours the intervention of the Government should not be exercised. Now, nothing in that arrangement, so far as my memory serves me, touches at all upon the question of the opening of the gardens on Sunday. And, at all events, acting as the representative of the Government at the time, I did not presume even to imply that the House of Commons should not retain a perfect control over the distribution of the money which it granted, while the members of the society themselves, in a letter which they wrote on the subject, admitted the authority of Parliament to deal with their affairs so far as certain modifications of the rules of the several departments of their institution were concerned. I have no hesitation in saying, in answer to the appeal of the hon. and gallant Officer (Colonel Dickson), that, as at present advised, I hold it to be the desire of the House that the sum annually voted to the Royal Dublin Society shall be voted on the condition that in its application to useful purposes the opinion of this House, as expressed through the department which is responsible to Parliament for the Vote, shall be treated with respect and obedience. I believe, too, that what is generally called the Sunday question is not involved in this proposition. It is not possible for us who go to the Zoological Society's Gardens, and who avail ourselves of the new privileges of the Horticultural Society on Sundays, to say that the Sunday question is involved, nor do I think it is wise of the fellows of the Royal Dublin Society to maintain that it is involved, seeing that they avail themselves of the privilege of the gardens on that day. I earnestly hope that excellent society will see the propriety of conforming to the wish of Parliament. I think the hon. Member for Galway has exercised a wise discretion in raising the question on this first Vote, because it gives time to the society for further consideration; but I hope he will not object to the particular items of this Vote, for the expenditure has been sanctioned by former Estimates, and it would be wrong to withhold from contractors and workmen payments for which the faith of Parliament was believed to be pledged. On the Educational Estimate the Vote for the Royal Dublin Society will be brought forward, and it is not the intention of the Government to sanction the distribution of the Vote through the Royal Dublin Society, except on the clear understanding that they will submit to the will of the House of Commons in its distribution, which will the Government believe to be that the gardens shall be opened on Sundays, under such reasonable arrangements as may be made by the society.

MR. WHITESIDE: I wish the House to understand clearly what the Royal Dublin Society is. Long before the Union it received a much larger grant from the Irish Parliament than is now given to it. Every scientific man in Ireland is a member of it, and since I was a child I remember that no good thing in science, art, or agriculture was promoted in Ireland except through the instrumentality of this society. I have received a letter from a gentleman who is a member of that society, and who holds the same views on this question as the right hon. Gentleman opposite. He tells me that he was anxious that the gardens should be opened, but that when he looked round him at the meeting he found opposed to him every man who for the last half century had advocated in the city of Dublin every question which was of the slightest utility to the people. ["No, no!"] Crying "No" is not an argument; the hon. Member had much better stand up and speak like a rational man. There is just this difference between him and me—I represent the University of Dublin, and I know who are the members of this society. I know that men of all persuasions and all politics belong to this society, which it is in your power to break up by agreeing to the proposition to which the Motion of the hon. Member for Galway may lean; for I tell you plainly that these gentlemen will not yield their convictions to yours, and if you command them to open their museums and the whole of their establishments on Sunday they will refuse. I do not deny that you have the right to take the grant away from this society and intrust its distribution to other hands—to the right hon. Gentleman the Chief Secretary, for instance; but he will not find three men of the same class in Dublin to carry out his views. You must remember that you are dealing with a body of educated and intelligent men, who for the last sixty years have done more for the cause of agriculture and science than any other body of men in Ireland. Until the last six months you had not an art gallery in Dublin, but the gentlemen of this society subscribed their money and got one up. When the right hon. Gentleman the Member for Oxford was President of the Board of Trade he was very far from saying what he has said to-night. This is what he wrote then—

> "Their Lordships observe with satisfaction that, in contemplation of the supplementary grant for the gardens which will be included in this year's Vote, the Committee of Botany have recommended that the gardens should be open every week day, and my Lords consider that a similar rule should be extended to the museums and library."

That has been done, and every suggestion made by the Board of Trade has been carried out literally, and now you call on them to open their gardens on the Sabbath, to which they object. You may make that demand on pain of withholding the grant. You have the power to break up the society by your votes, but I tell you that the manner in which you propose to treat the society will add considerably to the unpopularity of Her Majesty's present Administration in Ireland. That society embraces all the scientific men in Dublin. Does the hon. Member for Galway, who as former Member for Dublin, knows something of the feeling there suppose that he would be able to get up another society in Dublin against the opinion of the large body of gentlemen who now constitute this society? He could not do it if he were to call a public meeting tomorrow. These botanical gardens are very small, and they are filled with plants for the instruction and information of those who study botany. They are not places into which a great body of people could be admitted with convenience, and if you open them on Sundays you entail great additional expense on the society, for they must employ another set of attendants for Sundays, as those who are at present employed are entitled to their holyday on that day. It has been open from morning to night on every week day since the Board of Trade called upon the society to open it. I can only say that in withdrawing this grant you will withdraw it from the most useful body which exists in the sister kingdom.

MR. MONSELL said, that after the declaration of the right hon. Gentleman the Secretary for Ireland, he would recommend his hon. Friend not to divide the Committee on that occasion. He did not imagine that the Dublin Society, for the sake of preventing the poor artizans of Dublin from enjoying that which the artizans of London could enjoy every Sunday at Kew, and for the sake, perhaps, of securing the exclusive enjoyment of the Glasnevin Gardens on that day for themselves and their families, would persist in their intention to close the gardens on the Sunday when they knew the feeling of the Government and the House on the subject. The right hon. Gentleman the Member for the University of Dublin (Mr. Whiteside) had spoken very contemptuously of those who had advocated the opening of the gardens. Amongst them were five judges, twelve assistant barristers, and 900 professional men. He (Mr. Monsell) repeated he had no doubt that very shortly Glasnevin would be open on the Sunday the same as Kew was.

MR. LEFROY deeply regretted that the hon. Member for Galway should have approached this subject in the tone he had adopted, and could not but think that the course he had pursued was most ungracious towards many of his old constituents. He would not enter into the Sabbath question further than to say that it was a great mistake to say that because these gardens were closed on Sunday the people were deprived of recreation, for the fact was these gardens covered but a very small portion of ground and were close to a large park more suited for public walks. The real question was, if a large number of the members of the Dublin Society had a conscientious objection to opening these gardens on the Sunday, were those objections to be disregarded and overruled by mere official authority, although supported by those who might agree in opinion with the hon. Member for Galway. For himself (Mr. Lefroy) he must protest against such a course.

MR. GREGORY denied that he had spoken in any harsh manner of the Dublin Society. He admired their usefulness, while he deplored their exclusiveness, and firmly believed that the society was composed of men more prudent and less hotheaded than seemed to be supposed. He would accede to the request of the right hon. Gentleman the Chief Secretary for Ireland, because he felt satisfied that the society would be guided by the opinion expressed in Parliament, so that it would be unnecessary for him to take the invidious course of striking off any portion of their grant. Relying, therefore, on the distinct understanding that the Government would not bring forward the annual grant for the Dublin Society until they were satisfied that the society would open the gardens to the public on Sundays, he would not press his Amendment.

Amendment, by leave, *withdrawn.*

Mr. W. WILLIAMS said, he wished to call the attention of the Committee to the fact that there were Votes amounting to £60,000 for building schools in Ireland. There was no such Vote for England.

Vote *agreed to,* as were also,

(14.) £2,628, Kingstown Harbour.

(15.) £5,000, Sheriff Court Houses, Scotland.

(16.) Motion made, and Question proposed,

> "That a sum, not exceeding £32,600, be granted to Her Majesty, to defray the Expense of erecting and maintaining certain Lighthouses Abroad, to the 31st day of March, 1862."

Mr. AUGUSTUS SMITH complained that the country was called upon to defray the expense of lighthouses at the Ionian Islands, Western Australia, Ceylon, and other places, and moved the reduction of the Vote by £22,400.

Mr. CHILDERS said, he wished to ask how it came that the Committee were asked to vote £8,000 for a light to the Bass Rocks at Ceylon? Those rocks did not lie in the course of trading or colonial vessels, but in that of the steamers of the Peninsular and Oriental Company. He did not dispute the propriety of placing a light there, but he thought the revenues of India should bear one half of the cost. It was proposed to substitute floating for fixed lights. Now, floating lights would be far more expensive than fixed lights, and on that ground alone the latter ought to be preferred. The lighthouse at Western Australia was required solely for the mail service, but the lighthouse at British Columbia was purely for colonial purposes, and no good reason could be shown for the Imperial revenues being charged with its maintenance. He also wished to know what had become of the £20,000 which had already been voted by Parliament for lights on Bass's Rocks?

Mr. MILNER GIBSON said, that no country in the world had so great an interest as England in having the coasts of its colonies well lighted. It was, no doubt, desirable that the colonies should contribute towards lighthouses which were, to a certain extent, beneficial to themselves; but it did not follow that because a lighthouse was erected on an island it was erected for the local interests of that island. Generally, indeed, it was erected upon some point with a view to guide passing ships, and, therefore, for the interest of the empire at large. England was interested in the commerce of the world, and she ought not to grudge the expense of erecting proper lighthouses in every part of her dominions. Half the cost of the lighthouses at British Columbia was paid by the colonists, and it might be a question whether other colonists should not be asked to contribute to similar objects. He could state, upon the most competent authority, that floating lights would be more serviceable at Bass's Rocks, and would not be so expensive as a fixed lighthouse. Orders had been sent to Bombay for the construction of a lightship for Bass's Rocks, and another would be built as soon as it was ascertained that the first had been successful.

Mr. CHILDERS said, the right hon. Gentleman had not stated what had become of the £20,000 already voted for a lighthouse on Bass's Rocks.

Mr. MILNER GIBSON said, he was afraid that a great deal of the money had not been well expended. [Mr. Childers: Has it been expended at all?] He believed so; but to give an account of former unsuccessful efforts to light Bass's Rocks would be to tell a very long and a very painful story, and he was afraid the Committee would not be much edified by the narrative.

Mr. AUGUSTUS SMITH said, he thought the explanation a very lame one. Why should not the charge in reference to Ceylon be paid for out of the colonial revenue, which exceeded the expenditure? He did not see why the House should pay the charge also in reference to the Ionian Islands.

Mr. ADDERLEY said, he was also of opinion that the explanation of the right hon. Gentleman, the President of the Board of Trade was unsatisfactory. It suggested a very important question, which must sooner or later be pressed upon the attention of Parliament, namely, whether the colonies should be exonerated from the payment of any part of the expenditure incurred for the general interests of the empire. It was all very well to say that England was interested in the commerce of the world, but that general proposition could not be accepted as a defence of an Estimate which called upon the mother country to pay the whole expenses of lighthouses erected in the colonial possessions of the Crown. It was time to consider what would be the consequence of England taking such an expenditure on itself.

MR. MILNER GIBSON said, the Estimates for the lighthouses in the Bahamas, the Ionian Islands, and Western Australia were the usual Votes passed in each Session. There were two lights at the Bahamas for which this country must pay, as there was no other means for raising the funds. Whether it was a general proposition or not, it was the duty of England to vote this expenditure.

SIR STAFFORD NORTHCOTE said, the Votes specified might not be a novelty but they had nearly doubled in amount. British Columbia, a poor colony, was to repay half the cost of its lighthouses, while Ceylon, a rich settlement, was to pay nothing. What had been done with this £20,000, and why all the expense was to come out of Imperial funds had been very imperfectly explained.

MR. MILNER GIBSON said, he could give further explanation if the Committee wished; but it would be difficult to go into all the details.

MR. SEYMOUR FITZGERALD said, he thought Ceylon should pay for lighting its own coasts, as also should the Ionian Islands. Colonial expenditure should, in those cases where it was sufficient, be applied to these purposes.

VISCOUNT PALMERSTON said, if all the expenditure were for the benefit of the colony itself, the colony, no doubt, should pay; but the expense for lighthouses was for the benefit of our own commerce frequenting those seas. It was an Imperial purpose. The same rule applied to Ceylon.

MR. WHITE insisted that in the case of the colony of Victoria local interests were almost exclusively benefitted by the lighthouses.

MR. CHICHESTER FORTESCUE said, that the lighthouses on the coast of Ceylon were erected for the purposes of British trade generally, and not for the benefit of that colony, which was not a maritime country.

MR. CHILDERS thought the local charges ought to be borne by the colony.

MR. G. W. HOPE maintained that the interests involved were general interests. Colonies would not consent to light the great highways of the ocean.

MR. ADDERLEY could not recognize the justice of the principle of taxing British taxpayers for purposes of mixed Imperial and colonial utility.

Motion made, and Question,

"That a sum, not exceeding £10,200, be granted to Her Majesty, to defray the Expense of erecting and maintaining certain Lighthouses Abroad, to the 31st day of March, 1862,"

—put, and *negatived.*

Original Question put, and *agreed to.*

MR. W. WILLIAMS moved that the Chairman report Progress.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again," put, and *negatived.*

(17.) £5,000, Highland Roads and Bridges.

MR. WHITE said, he objected to the Vote as one that was quite uncalled for in the present time. The grant had existed since the Rebellion in 1745; but, as that part of the country for which this money was asked had enormously increased in wealth, he thought it was time to discontinue the grant, and he should, therefore, move its omission.

MR. PEEL said, he was obliged to propose the Vote because the Highland Commissioners were appointed under an Act of Parliament passed at the beginning of the present century. The duty was cast upon those commissioners of keeping the roads in repair, upon the understanding that they were to receive an annual Parliamentary grant. This was only a grant in aid, as the commissioners had power to assess the owners of property to meet the expense.

MR. COLLINS said, he hoped the Committee would negative the Vote unless the Government gave a promise that next year they would bring in a Bill to repeal the Act on which it was founded.

Motion made, and Question put,

"That a sum, not exceeding £5,000, be granted to Her Majesty, on account of the Commissioners of Highland Roads and Bridges, to the 31st day of March, 1862."

The Committee *divided:*—Ayes 72; Noes 59: Majority 13.

Vote *agreed to.*

(18.) £35,000, Rates for Government Property.

MR. SCLATER-BOOTH asked, why the parish of Aldershot, which had as good a claim as the other places that now shared in the grant, was not allowed to participate in it?

SIR GEORGE LEWIS said, the principle adopted was to confine the allowance to places in which there were naval and military establishments bearing a considerable proportion to the whole rateable property of the parish, and if it could be shown that the property at Aldershot in the occupation of the War Department came within that principle, the Government would not refuse to consider the case in a future year.

Vote *agreed to.*

House *resumed ;*

Resolutions to be reported *To-morrow.*

EAST INDIA (CIVIL SERVICE) BILL.

CONSIDERATION.

Order for Consideration, as amended, read.

SIR CHARLES WOOD said, that since the Bill was last under discussion, he had carefully considered the great number of statements and suggestions which had been made, and he had come to the conclusion that it was possible to put the Bill, with no great alteration, in a shape which would be much more satisfactory to the Civil Service of India. The principle of the Bill they were all agreed upon. They were agreed that all appointments which had been made should be legalized, that similar appointments might from time to time be made, and that to situations hitherto exclusively held by covenanted servants, other persons under special circumstances might be appointed ; the only question arose as to whether certain restrictions should be placed in the Act. He had thought it better to leave them out of the Act in consequence of the effect of the legal opinion given by the law officers of the Crown. But he now thought, upon the whole, it might be better to put these in the Bill, confining them to certain offices he proposed to specify. He had had the honour of receiving yesterday morning a considerable number of Members of Parliament who took part in the discussion, and also a select deputation from the Civil Service, and after a full discussion he had agreed on certain alterations in the Bill which met their entire concurrence. He could not help expressing the satisfaction he had in the interview to which he referred with the gentlemen who thought their interests might be affect-d by the Bill. He was bound to say they ad come forward in the most handsome and gallant manner, and the alterations which would be made would at once meet their views and secure the real objects of the Bill. He had now, therefore, to propose that the Bill should be recommitted, with the view of introducing the Amendments.

MR. VANSITTART said, he felt that in justice to the right hon. Baronet he was bound to state that the Committee sitting in London on behalf of their brother civilians had waited upon him, accompanied by several hon. Members of that House, and that the right hon. Gentleman received them with the greatest consideration and courtesy, and consented to introduce such alterations and concessions in his amended Bill as met with their full approbation, and, he might add, merited their gratitude. That being the case, he, in common with those hon. Members who were present at the meeting, deemed it a duty not only to withdraw all opposition to the Bill; but to use such influence as he might possess with other hon. Members to afford the right hon. Baronet every facility for passing it rapidly, and without further debate, through the House. He begged also on his own part to tender his heartfelt thanks to the right hon. Baronet for the very kind attention he had paid to the representations of the covenanted Civil Service.

Bill *re-committed.*

Considered in Committee.

House *resumed.*

Bill *reported ;* as amended, to be considered on *Monday* next, and to be *printed.* [Bill 224.]

INDUSTRIAL SCHOOLS BILL.

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill, as amended, be now taken into Consideration."

LORD ROBERT CECIL said, he could only characterize the Bill as worthy of the meridian of Paris and Berlin, and stated that it conferred upon the police an entirely new power. The 9th Clause gave a power to a single justice to send a child to an industrial school, and imprisoning him there for eight years. One of the offences for which such a sentence could be passed was that of begging, which at present was punished by an imprisonment of three months only. Another was that of frequenting the company of reputed thieves, and the proof of that offence having been committed was to depend upon the information of "any" person. He considered that an arbitrary power of inflicting extremely severe punishment without the offence having been proved. He would, therefore, move that the consideration of the Bill should be deferred until that day three months.

Amendment proposed,

"To leave out from the words 'That the' to the end of the Question, in order to add the words 'further Consideration of the Bill,' as amended, be adjourned till this day three months,'" —instead thereof.

SIR GEORGE LEWIS said, that all the arguments used by the noble Lord had been repeated half a dozen times before. There was no new principle in the Bill. It was only a development of the existing law, was promoted by persons of the most philanthropic views, and was intended, not for the punishment but for the advantage of the children who were made subject to it. He hoped that after the full examination which the Bill had undergone it would be allowed to pass this stage.

MR. PEASE said, he thought that the Bill was unnecessarily harsh in some of its provisions, but that, upon the whole, it would be received with satisfaction by the country.

MR. WHALLEY said, that the money advanced to Reformatory Schools by the Government was being diverted to the promotion of Roman Catholic objects. There was, in his opinion, no necessity for this Bill.

Question proposed, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

MR. HENNESSY said, he would move the omission of the words in Clause 9, which subjected to the provisions of the Act children frequenting the company of reputed thieves.

SIR GEORGE LEWIS said, that the point had been fully discussed in Committee, and he hoped that the words would be retained.

Amendment *negatived.*

Bill to be read 3° *To-morrow.*

APPROPRIATION OF SEATS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Bill passed through Committee.

MR. COLLINS gave notice that on the third reading of the Bill he should move that it be recommitted, in order to decide between the merits of Pontefract and Sheffield as a polling place.

MR. HADFIELD hoped the next stage of the Bill would be fixed for Thursday to give him time to communicate with his constituents.

MR. COLLINS said, if the Bill did not pass through the House of Lords before the 31st of July its operation would be a nullity as regarded Birkenhead, where the revision would shortly commence. He hoped the right hon. Gentleman would fix the next stage for Monday next.

SIR GEORGE LEWIS intimated his intention of proceeding with the Bill on Monday.

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday* next.

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, July 5, 1861.

MINUTES.] PUBLIC BILLS.—1ª Book Unions; Attornies and Solicitors (Ireland).

THE CRIMINAL LAW CONSOLIDATION BILLS.—OBSERVATIONS.

LORD BROUGHAM, on the presentation (by command) of the "Judicial Statistics, 1860," took occasion to refer to the Criminal Law Consolidation Bills, and said, that the conduct of the House of Commons on this subject was highly to be approved. There was but one mode of making a digest of the law and that was to repose confidence in the learned and skilful persons who were employed by the Government or the Parliament to prepare it, and to adopt their work, after due consideration in Select Committees, with as little discussion as possible in the two Houses. That was the wise course pursued by the House of Commons with regard to the important Bills for the consolidation of the Criminal Law. The last time his lamented Friend the late Lord Chancellor addressed the House was in moving that these Bills be read a first time, when he congratulated the House and the country on the judicious conduct of the Commons, and expressed a hope that it would be imitated by their Lordships.

The LORD CHANCELLOR said, that the Bills for the consolidation of the Criminal Law to which his noble and learned Friend referred received very careful consideration from their Lordships in a former Session, and that the country was greatly indebted to their Lordships for the care and skill with which the Bills were framed. They were introduced into the House of Commons during the present Session, and were referred to a Select Committee. He was very happy to say that the Bills as amended by their Lordships had been passed by the Select Committee with very trifling, if any, alteration. Four of them had been read a third time and passed by the House of Commons, and were now on their Lordship's table. In regard to the fifth Bill—that on Offences against the Person, a question had been raised whether conspiracy to murder should be held to be a felony, a capital felony, or a misdemeanour. In consequence of the change of the law officers that question had not yet been decided. His hon. and learned Friend the present Attorney General had promised him that, on his return to the House, he would bring forward that Bill on an early day. He hoped it would pass speedily through the House of Commons, and as soon as it came to their Lordships' House he would lose no time in calling their attention to it.

Lord BROUGHAM said, he hoped their Lordships would follow the example of the House of Commons, and pass these important Bills as speedily as possible.

INDIA—IRRIGATION AND INTERNAL NAVIGATION.

MOTION FOR AN ADDRESS.

The Earl of SHAFTESBURY:* My Lords, it will be necessary for me to bespeak the indulgence of your Lordships, and to request your consideration of the subject which I have now the honour to bring before you. It is a subject which has been discussed a good deal lately in writing and at public meetings; and I should not have ventured to direct your Lordships' attention to it had it not been for two recent events of supreme importance. I refer to the famine which has desolated so large a part of India, and the Revolution which has broken out in the United States of America. The famine proves unmistakably the defect of irrigation, and the Revolution shows the great hazard to which we are exposed in depending almost entirely on a single source for the supply of cotton. It is not my intention here to put India in the place of America, and to say that we might safely be dependent on India alone for our cotton supply; I indicate it only as one great source. The subject, confessedly, is worthy of serious reflection, inasmuch as from four to five million mouths (workpeople and their families) throughout the country look for their daily bread to a constant supply of that article; and, therefore, while recognizing West African and Australian sources for a portion of our supply, we may for present purposes confine our consideration to what may be produced by the territory of India. Neither is it my wish to enter upon the inquiry whether the famine might have been prevented, or the short supply of cotton foreseen. The fact is the evils are before us, and we have to deliberate what can be done to avert the recurrence of such formidable mischiefs.

The two great requisites of India are irrigation and inland navigation—irrigation for the purpose of fertilizing the soil, and inland navigation for the purpose of carrying away the produce. In India we want canals for traffic as well as fertility; for unless the ryot has a pretty good assurance that he can easily transport the crop to a place of sale, he will not cultivate the soil; and it has often happened that, lacking the means of transport, a great abundance has been to him a burden rather than a benefit. Here let me remark that in any proposition we may make for the purpose of extending inland navigation we are not, directly or indirectly, acting in antagonism to the railways., Railways must subsist in India; and it is certain that the more you improve the country and increase the wealth of the people the better will be the prospect of the railways. But, whether the railways be remunerative or not, we may fairly say of them that the great development of Indian resources has been coincident with the expenditure on the works, and the partial opening of those undertakings.

Now, India is particularly adapted to the purposes of irrigation. Not only is there a vast quantity of water both for flow and for store, but the conformation of the country offers but few engineering obstacles. An irrigation system has prevailed for many centuries in India. It was undertaken upon a large scale by the Native Princes. They have set an example which we ought to follow. They have laid down the true principles upon which to provide for the necessities of the country; and it is for us, with our greater scientific knowledge, to carry those principles into effect. No one can doubt the extent of the irrigation system who has read an extract from *Reports on Public Works at Madras in* 1853—

> "The mere mention of the number of works (*i.e.* works executed under Native Princes) would give no just idea respecting them, as they vary so greatly in size and value, but we may notice tanks and channels in fourteen of the chief Ryotwar irrigated districts. They number 43,000 in repair and 10,000 out of repair. The estimated amount of capital invested in their construction is fifteen millions sterling."

The reporters go on to make this strong and just observation—

> "An examination of this list of works suggests humiliating reflections. The ancient rulers of the country, with resources of science and skill immeasurably inferior to what we can command, raised those numberless magnificent and valuable works. . . . They are due to the enlightened intelligence of Princes whom we are accustomed to style barbarians."

Surely it is our duty—in possession, as we are, of far greater scientific knowledge and far greater means of executing such works than the Native Princes—surely it is our duty to the vast country over which we have assumed dominion, to do everything in our power to carry into effect whatever will conduce to the general welfare of the population. Does any one now doubt the value of irrigation? All objections to it were admirably disposed of in the Report of the Commissioners. Let any gainsayer consider the great deficiency of water at times, the character of the soil, and the words of Dr. Watson, asserting that not only water, but river-water is indispensable; and the value of irrigation in India cannot be questioned. In his admirable lecture on cotton in India, Dr. Watson says—

> "Irrigation is essential, not merely as bringing water, but also organic matter, and certain, though small, quantities of salts, such as gypsum and common salt."

A new but unanswerable argument in favour of such works. My Lords, they suffer in India as much from excess as from deficiency of water—as much from deluges as from droughts; and, therefore, a great part of the irrigation must be by constructing, according to the system of the Native Princes, large tanks in which the excess of water during a period of fall is stored, and is dealt out by distributing-channels in periods of drought; and, moreover, dealt out in sufficient quantities to render rivers and large canals navigable which in time of drought would otherwise be pretty nearly, if not altogether, dried up. In this way, I am told, water may be so distributed as to keep, not only the surface of India in a constant state of irrigation, but the canals also, and rivers, navigable by boats. It is by the use of their internal waters that the Americans have made those rapid strides which are the wonder of the present generation; but we have advantages in India which the Americans do not possess. By the distribution to which I have alluded—by storing the water in tanks, and by pouring it out at proper times—we may render the rivers of India navigable during twelve months in the year, whereas in America the rivers, being exposed to hard frosts, are, generally speaking, not navigable for more than nine months out of the twelve. Inland navigation, moreover, is peculiarly necessary and peculiarly adapted to India. The water-courses are most easy to arrange or construct. The canals may be easily and cheaply kept in repair. They are best adapted to carry heavy burdens at a low cost, and yet insure a return of the largest possible revenue upon the cost of their construction.

Now, having all these advantages, what is the use which has been made of them by various successive Governments? This Report on Public Works states—

> "In general it may be affirmed that the greater part of the flood waters of our rivers are turned to no account, and vast bodies of water flow annually to the sea which might be made use of to fertilize hundreds of thousands of acres, to feed a vast population, and to add enormously both to the wealth of the people and the revenue of the Government."

In speaking of the canals, the reporters say—and the remark, though made in reference to the Native Princes, is equally applicable to the British Government—

> "Still less use was made of the canals of irrigation, though many of them were well adapted for water-carriage during six or eight months of the year."

We will say nothing just now on the almost equal neglect, for many years, at least, of roads and highways. But ought we not to direct our attention more especially to these important matters of irrigation and canals, when we know that it is from the deficiency or excess of water in one way or other that has arisen the greater part of the evils which have afflicted India—its famines, its pestilences, its fevers, and all the consequent sufferings? It is impossible to have a stronger proof of this than in what has taken place in respect to the great Ganges Canal, which runs through a country particularly in need of the agency of water. When it was constructed it was left unfinished; the distributing channels were not connected with it, and it did not, therefore, perform all the purposes for which it was intended. There is no man living who has more to complain of than that great engineer, Sir Proby Cautley. He was the engineer of that work, and he achieved a considerable part of it, but a material part was left uncompleted; and the consequence was that the Ganges Canal for a considerable time was always quoted as a proof of failure and a strong argument against the introduction into India of the canal system. But what is the present state of things? Let us see what its effect has been even in its incomplete state, and while deficient in distributing channels. P. Moss, Esq., the Assistant Secretary to the Government of the North-West Provinces, says—

> "The beneficial effect of the canal during the past season cannot be over estimated."

What then, my Lords, would have been its results had the full design been wrought out?

And Captain Turnbull, the Superintendent General of Irrigation, states—

> "Had there been no canal there would have been no crop on broad lands which are now covered with wheat and other cereals in large abundance."

Observe, too, this remarkable calculation made by Captain Turnbull—

> "According to a rough calculation 339,243,840 lb. of grain have thus been supplied to the market during the recent calamitous season, and, as each pound is an ample quantity for one man daily, or, perhaps, one woman and one child daily, this would be equal to the maintenance of 644,718 men, 464,718 women and children for a whole year; while it will also have produced fodder sufficient to keep from starvation the cattle of the districts through which the canal has passed, and has probably saved the Government from making remissions of land revenue to the amount of £180,000 or £200,000."

He adds, as well he may—

> "It cannot fail to produce a very great impression on the minds of the people who will thus have been saved from starvation and misery, and to make them happy and contented."

How, then, after this, can we wonder that the Secretary should close with—

> "His honour feels sure that it will be both policy and good economy to push on this magnificent work to completion with the utmost vigour, even though at the risk of some present financial inconvenience."

Now consider what an extent of country needing a supply of water has been saved by this work, and you may see what would have been its position without it, by looking to what is the state of those lands which are beyond the reach of the system. Look on the other hand to districts afflicted, in times past, by the other extreme. Take the delta of the Godavery. This formerly was deluged by floods, but now, by the works carried on there, it has become a habitable, profitable, and safe country. But the greatest triumph of all that may be achieved by irrigation, and by opening canals, is to be found in the district of Rajamundry, the wonderful work of Sir A. Cotton. I beg your Lordships to listen to these results, and see how a small expenditure will produce mighty benefits, and in a short space of time too, and how it is that the most remunerative economy at the present moment is to lay out—I will not say a large sum, but even a small sum, to realize these enormous profits. The revenue of this district of Rajamundry has increased within the last year £45,000; the exports in 1860 were £500,000, being an increase of £180,000 over the previous year. The bullion imported by the people, now becoming quite a commercial people, but who were formerly among the most abject and impoverished of India, amounted to £190,000. The total increase of the revenue is £175,000, being an increase since the works began of no less than 90 per cent, and the profit on the expenditure has been 40 per cent, which is mainly attributable to the works. Pray, give particular attention to the benefits which have been derived from the works on the canal, and you will see that, while in 1852-3 the number of boats passing down to the seaports was no more than 752, in 1860, a period of eight years only, it had risen to 15,000; and the tonnage of the boats has on an average been fully double. Not having any personal experience of India, it is not possible for me to describe adequately the benefits which this canal has conferred on that district; but I have heard from persons who lived there that it has been tantamount to its regeneration. But your Lordships may, to some extent, judge of them when you consider that it was formerly a district traversed by muddy streams and narrow channels altogether impassable, and that it is now traversed by this great canal, over which pass no less than 15,000 boats in the course of the year. A letter which has just been received contains a most remarkable statement as to the advantages which these works have conferred on Rajamundry. The writer says, speaking, in the first place, of another district—

> "Nothing is more probable than that this tract of country may this very year be visited with famine for want of those works. As it is, even at this moment a great part of the Madras Presidency is on the very verge of famine; rice is selling at 1*d.* a pound—from two to three times its ordinary price, indicating most terrible sufferings among the poor. In Rajamundry, on the other hand—now observe this—where irrigation works are in operation, the price is just half what it is in other districts, and, while the people are entirely free from all such pressure, they are exporting probably more than 80,000 tons this year to relieve the suffering provinces."

So that your Lordships will see that under the operation of these irrigation works Rajamundry, which was formerly one of the most desolate and miserable districts, has not only become as wealthy as I have described, but is actually exporting produce to other provinces. What a proof is here of the value of easy communication! See the important advantage of this canal, that it brings food tolerably within the reach of the people. Formerly, in some cases they would have to travel from 300 to 400 miles in search of food, where now it is brought almost to their own doors.

There are not wanting other strong proofs of the value of these works, and of the necessity imposed on the Government of India of doing all that in them lies to promote undertakings which so materially advance the welfare of the people of India. In the Appendix Z to the papers of 1853 there is a very striking and suggestive statement of the result of expenditure on irrigation works in the fourteen years from 1836 to 1849. Within those years the works were carried on in thirty-nine places; on one point the profit was 77 per cent, on another 91 per cent, on another 197 per cent, on another 259 per cent; but the average profit on the whole, taking bad and good together, was 69½ per cent; and I am told that if the results were brought down to the present time they would give a still larger return. On the other hand, let us see what has been the effect of neglect and omission; and first let me call your attention to the famine which took place some years ago in Guntoor, which lies on the south bank of the Kistnah river, and has an area of 4,700 square miles. In the report on the state of that district we read—

> "The large number of ruined tanks in all parts of the country indicate that formerly the extent of irrigated land was considerable; at present it is only 4 per cent of the total cultivation."

Here is a country, which had formerly enjoyed the advantages of a system of irrigation. It has suffered fearfully, the tanks having been allowed to fall into disrepair, probably under the Native Princes, but which were not restored when the British Government obtained possession of the territory. The number of ruined tanks, however, shows what the Native Princes had done, and what they, after the experience of centuries, considered necessary for the welfare of the country. The famine broke out, and vast numbers of persons migrated in search of food. No fewer than 200,000 perished by starvation and fever; and the total loss to the Zemindars, Ryots, and the Government, was estimated at above £2,250,000; all of which might have been prevented by a little providence and the expenditure, at the right time, of not a fourth part of this sum. But what is the condition of Guntoor at this moment? Mr. Bourdillon —whom everybody acquainted with India must know as a gentleman most capable of giving information on this matter— was asked as to the present state of Guntoor. He replies—

> "The works on the Kistnah were suspended by the mutiny, and works of distribution very partially executed."

Nevertheless, see what his reply is as to the present state of Guntoor—

> "You ask whether Guntoor is more safe from famine than it used to be. No doubt it is, and why? My Lords, because two talooks"—that is villages or districts—"are partially watered from the Kistnah. The dams are complete," he says, "but the channels for them are wanting, though the cost would be small, and the addition to the revenue immediate."

The cost small, the return large and immediate! Are such truths to pass unheeded by the governing Powers? This work is not completed; nevertheless Mr. Bourdillon says that by the irrigation of these districts the production has been so raised as to be not only sufficient for the people themselves, but enabling them in some measure to supply their neighbours. Instances to show the necessity of attending to the distribution of water for the prevention of floods are equally numerous and striking. In Cuttack alone, by neglect in this matter, there were, during a period of twenty-three years, seven years of inundation, and two of very severe inundation; and in 1855, in the Muddea district alone, forming but a small part of the Delta of the Ganges, a single flood destroyed no less than 22,000 houses, 8,000 persons, 40,000 cattle, and 20,000 acres of crops, worth at the very least £320,000—all preventible!

I come now to the Godavery, to which it is right that your Lordships should give more than ordinary attention. The full navigation of the Godavery would open, perhaps, the finest cotton district in the whole world. "The valley of the Godavery"—this is the report of Captain Haigh—"has an area of 130,000 square miles, or about four times as large as Ireland." The population of the valley is estimated at eight millions, and this valley alone contains a cotton field larger than that of America: America having but four million acres under cultivation—an area not much larger than that of Yorkshire. The products of this district are various and abundant. There is wheat unsurpassed by any in India in quantity and quality; Indian corn, millet, peas, beans, rice, sugar, hemp, oil, seeds, chilies, safflower. But there are two products of especial value at the present time—I mean flax and cotton—to which I will return by and by. Yet this mighty country, capable of such immense products, and of meeting almost every demand which could be made by Great Britain, is pretty nearly locked up by defective means of transit, and through the want of canals, of railways, and of every means for the easy conveyance of goods. What a discouragement this is to production may be conjectured from the fact that the time occupied in the conveyance to Bombay or Calcutta of goods on the backs of bullocks—which is the only mode of conveying the products of the country to different ports—is two months. I need hardly say that when goods are conveyed on the backs of bullocks, they are exposed to great hazards, being subject to the influences of weather, to bad roads, and, perhaps, to be plunged into the rivers which it is necessary to cross; and thus the quality of the article is much deteriorated, while the cost per ton upon the cotton or the flax would be about 160*s*. How splendid an opening would be secured by the improvement in the navigation of the Godavery may be judged of from the description given by an engineer who has surveyed the district—

> "The river (says Captain Haigh) runs for 100 miles through the finest cotton-fields of India, and may be said to direct its course in a very direct line from the chief cotton centre to Coringa, the best and safest port on the eastern coast."

Another authority, speaking of the Godavery, says

> "The river, with its numberless tributaries, may one day become the Missippi of the Indo-British empire."

Now the estimated cost of rendering this river navigable for 473 miles, so that goods might be conveyed down to the port, from the port into the interior, is £292,000, being at the rate of £618 per mile; and if the works were rendered more complete, so as to make the transit still cheaper, the estimated cost would be £360,000. And what would be the result? Why, that the cotton, instead of spending two months on the backs of bullocks, and exposed to every hazard, would go down in boats to Coringa in eight days, and that the cost per ton, instead of being 160*s*., would be only 24*s*. This great result would be obtained with the small outlay of public money I have mentioned; and when you consider the great interests which are at stake both in India and in England, there can surely be little hesitation as to the course to be pursued so as to open the finest fields which can be found for the cultivation of flax and cotton, for the export of Indian products, and the import of British manufactures.

But I cannot altogether omit another point, the consideration of which will show how many services would be performed and how many interests consulted by rendering the Godavery navigable. In the first place it must be regarded as a military work. Colonel Balfour, the Inspector-General of Ordnance, observes on

> "The large pecuniary saving which will ensue not only in the conveyance of stores, but in the preservation of human life by reducing the risks that now attend our soldiery during long marches."

He adds most truly,

> "European lives in India are more valuable than ever."

Colonel Balfour gives details to show the saving which might be effected by opening up the Godavery—

> "The march from Masulipatam to Nagpore is very circuitous, and traverses one of the most notoriously deadly jungles in India. The march occupies, I believe, a month and a half. It might be reduced to seven days by the river."

Thus, instead of sending the troops, whether European or Native, from one place to another by a tedious and fatiguing march of six weeks through a most unhealthy country, they might be sent in a week by the river. Dispatch, health, humanity, and policy, would be alike consulted. Then, a saving would be effected in the transport of stores. "On that line," says Colonel Balfour, "the transport of stores and cart hire alone amounts to £18,000 per annum;" which £18,000, let me observe in passing, would more than cover the interest of the £360,000 to be expended in opening the communication.

Again, there is another point materially affecting the welfare of the Natives and the revenue of the Government. The Indian Government derives a large revenue from the salt tax. Whatever may be the objection to such a monopoly existing in such an article, the fact is that the price exacted by the Government under its monopoly at the place of manufacture does not by any means constitute in itself an onerous tax. The great pressure upon the Natives arises from the difficulty of transporting the salt from the place of manufacture into the interior. The Indian Government clears, by its monopoly, on every ton of salt two pounds sterling. Now, wherever salt is cheap—that is, wherever it can be bought at a small advance on the cost at the pans, it is estimated that every Native of India consumes annually about 20lbs. But the price of salt—and this shows how severe must be the pressure upon the people of the interior—the price of salt in Nagpore, Berar, and generally throughout the Deccan, is £6, £7, £10, and even £16 per ton. Here then, in consequence of the high price, it is estimated that the Natives do not consume more than 8lb. per head. The cost at the pans is raised to the consumer, by the difficulty of transport, from three to six fold; but the opening of the navigation of the Godavery would reduce the cost to one-fourth of its present amount. Now, my Lords, if salt is a necessary in this country, how much more is it necessary in the sultry climate of India; and how important then it is to reduce the cost of so essential an article! In effecting this, by reducing the cost of transport, you benefit yourselves and the Natives alike; for the result would be that, at a very moderate computation, in this one district alone, the Government revenue would be increased by £64,000 a year. Calculate, hence, the financial results of similar facilities in all the salt factories, and we shall see that the Indian Exchequer would be replenished; and great advantage would be simultaneously conferred upon the entire people.

Now, it has been doubted whether India possesses great capability of production. I will show you what are those capabilities of producing; and first, as to cotton and to quantity of it. A high authority states that as much cotton is wasted in India as the whole quantity grown in America. At the present moment there are, according to the calculation of Dr. Royle, under cotton cultivation in India about 24,000,000 acres. The number of the population that is clothed in cotton, from the Himalayas to Cape Comorin, must be estimated at probably 200,000,000. Then see the many purposes to which cotton is turned by them; it is used for almost every purpose to which textile fabrics can be applied—for ropes, tents, saddles, stuffing, carpets—for almost everything. Guzerat, Broach, and adjoining districts, forming hardly one-hundredth part of the surface of India, will this year give us one-third of the ordinary supply we receive from America; but why? Because Guzerat has the ports of Gogo and Surat, and other small ports. Dharwar will probably do as much, so soon as the port of Sedashevagur shall have been completed, and the ninety miles of railway to connect it with the producing territory.

I have stated what is the producing power of India as to quantity; now look at its capability as to quality. I have spoken with many gentlemen on this subject—among others to Mr. Bazley, himself a cotton spinner, and on this subject one of the highest authorities; he states that, with all the imperfections, Indian cotton is at present equal in quality to 75 per cent of what is now required for the fabrics we manufacture. But it may be asked what guarantee have we that India will produce the finest sorts to compete with the American supply? Hear Dr. Forbes Watson on this head. He states, in his valuable writings, that in Dharwar the cultivation of American cotton is increasing at the rate of from 30,000 to 40,000 acres a year; that the acreage last year under this kind of cotton was 180,000; and the quality of the crop is quite equal to the New Orleans, or the American cotton. Then take the article of flax, which is becoming one of great demand and necessity in this country; one sample of Indian flax imported last year was valued at £64 per ton, and the Punjab and other districts exceed, we are told, Russia in the capability of producing it. And I wish your Lordships to weigh this important consideration—that when we talk of cotton in India we are not talking of a new cultivation which we are going to introduce for the first time; we have not to clear the land, or send the seed, or teach the people what they have to do; they have cultivated cotton for many centuries; all that they require are roads, canals, the means of transport and communication, markets, easy access to ports, and vigilant purchasers. Give India these; and her productiveness, both as to quantity and quality, will far exceed all our expectations. But until we do give those facilities of transport, some of the most rich and fertile regions of the world will remain altogether impoverished and useless.

Again, it has been asked whether India is capable of producing speedily, and according to our wants. Just look, my Lords, at such a statement as this—first, of jute, an article of great importance, and particularly so now in Dundee, there were imported from India in 1841, 3,000 tons; but in 1859 the quantity imported was 53,000 tons. Take, then, the article of wool —in 1852 there were imported from India about 5,000,000lbs.; in 1860 the quantity imported was upwards of 20,000,000lbs. And observe, as a proof of the energy of the people, that the greater portion of this wool was brought on camels' backs from distances varying from 200 to 600 miles. Down to 1851 the largest quantity of linseed imported from India in any one year was 6,000 tons; in 1854 it had increased to 35,988 tons; in 1855, owing to the Russian war, it rose to 66,687 tons, and in 1859 it was 96,000 tons, or nearly equal to the supply from Russia and all other countries combined. I cannot but direct attention particularly to this point. If the Russian war did so much to stimulate the production of linseed, what may not the revolution in America be expected to do for the production of cotton? That event is likely to deliver us from our perilous habit of depending on a single country for our supply, to relieve us from much hazard and annoyance, and, above all, from that incubus on the hearts of hundreds of thousands—the necessity of purchasing the produce of slave labour. The cotton grown in India will be grown by free labour; and this issue, I believe, will go further to abolish slavery in America than all our writings, speeches, and combinations.

Having thus shown the capability of India to produce, I now wish to show its capability to consume. In 1851 the value of the cotton manufactures, including twist and yarn, imported into India from Great Britain was £5,220,194; the value of other articles was about £2,022,000, making a total of £7,242,194. The proportion, therefore, in reference to the rest of the world, of British cotton manufactures taken by India at that time was 18 per cent. In 1859 the value of the cotton manufactures taken by India from Great Britain was £14,713,812; the value of other articles taken by India was £5,131,108, making a total of £19,844,920. The proportion of British goods, therefore, taken by India, relatively to the rest of the world, was in 1859 more than 30 per cent. But 1859 may be considered a year of forced export; look, then, at 1860, and it appears that India took British cotton goods to the value of £12,000,000, and other goods to the value of £5,000,000, showing a total value of £17,000,000. Now, all this shows a wonderful progress; and we must bear in mind that it has been made in spite of all kinds of difficulties—of war, of the mutiny, of the difficulty of transport, of deluge, of drought, of famine, and pestilence. Yet, so great are the resources, so strong the elasticity of India, that, notwithstanding all her obstacles and all her dangers, India has nearly reached the point of being our best and safest customer.

Another doubt has been expressed as to the character of the people, and whether they will respond to the efforts we may make in their favour; it is said they are generally listless and idle, requiring another people to think and act for them. But let us see how the stimulus of gain and self-interest acts on this population. In Dharwar, where the American cotton is grown, it has been found necessary to introduce the saw-gin, it being an instrument particularly adapted to cleansing purposes. The Government set up a factory for these machines; and so great became the demand for them by the ryots, that the manufacture was, for the sake of despatch, transferred to this country. These machines cost from £11 to £16 each, and yet the Natives have already purchased them to a considerable amount—about £12,000; and they expend on an average in this manner about £2,500 yearly. And this has been done by the ryots themselves, of whom it has been said that no stimulus can induce them to look beyond the day. The fact is, my Lords, I believe we have been governing India for nearly a century, and have never yet arrived at a proper estimate of the character of the people. They are, I believe, a people eminently commercial, active, and intelligent. It may not be a very amiable consideration, but it is, I believe, a true one, that, if you only make it clear to the ryot that a thing will pay, as the phrase is, there is nothing on earth, or below it, that the ryot will not at least attempt in the hope of money. I have been told that persons will travel hundreds of miles, carrying on their heads the articles they have to sell; and should they succeed in obtaining the profit of a few rupees, they believe themselves amply rewarded for their trouble. Now with respect to the cultivation of cotton in Dharwar, there can be no doubt that, if you open to the people a certainty that they shall obtain a speedy and fair payment for their productions, no effort will be spared on their part to supply the demand. In that way we can, I am assured, open a great field without having recourse to the objectionable system of advances. Nothing, it is clear, can be worse than such a system. It is most injurious to the man who makes the advance, inasmuch as it produces a despotic and domineering habit, while it leaves the ryot in a state of dependence, and wholly deprives him of any character of manliness and self-respect.

I cannot conclude the instances which I have ventured to bring before your Lordships' notice, without adducing one which, more strongly than any preceding, proves the immense advantage resulting to the country from works of irrigation and internal communication. I will take two districts, Cuttack and Tanjore, which are of about equal size, both situated in deltas of great rivers, and both of equal fertility. The revenue from Cuttack is £85,000, while that from Tanjore is £470,000. The land in Cuttack is worth 30*s.* per acre, but in Tanjore it produces £5. Cuttack has by far the best natural supply of water; and yet in twenty-three years there have been three years of famine, four years of drought, seven of inundation, two of severe inundation, and only seven of moderate seasons. During that period there was expended yearly in Cuttack upon water-works £2,400, and in Tanjore £11,600; and yet, in these two countries of equal natural advantages, the aggregate excess of revenue from Tanjore over Cuttack during the twenty-three years was no less than £6,970,000. To what, I pray you, is this to be ascribed? Is there no argument here for public works? Here is a very important paper, a report of the Madras Board of Revenue to the Madras Government in 1859. The reporters, although just and true, are not over partial to Sir Arthur Cotton's plans; and thus this paper, dispelling as it does all doubts of accuracy, shows unquestionably the character of what has been done. They say—

> "The Board now approach the third branch of the subject, the cost of the two Coleroon anicuts, and the net amount of revenue which they have yielded to the State. The sums expended on these works, and the percentage which the net profit yielded by them bears to the original outlay, underwent careful scrutiny by the Department of Public Works and the Mahramut Commissioners, and the result at which they arrived after examining the bills and revenue statements was that for an outlay of £21,738 the Government have received a clear gain of £412,052 in sixteen years, or a profit of 118 per cent per annum."

My Lords, here is the deliberate opinion of those gentlemen, arrived at after most careful consideration. What more could be desired? I have heard it said of Sir Arthur Cotton's works that his estimates were always exceeded by the actual cost. That may be so; but then it is also true that, in all instances, the expenditure has been followed by enormous and almost fabulous profit; and that, with such results, he may have sometimes made insufficient estimates, can hardly be regarded as much of a reproach. It has also been said that most of his works have been carried out in the deltas of great rivers. That is, no doubt, true; but if all the deltas of India were brought into the same condition as that of Tanjore, the revenue of the empire would be now nearly double what it is, and the people proportionately flourishing and secure. When Sir Arthur Cotton first set his schemes on foot, he was told they were impracticable; but now that he has carried them to completion, he is told, with equal assurance, that the results are incredible!

Now, after what I have stated as to the success of such works, can your Lordships wonder at the favourable opinion which has been expressed by those authorities who are most acquainted with the facts? Lord Dalhousie, in a despatch to the Court of Directors, wrote—

> "Everywhere I found evidence of the wonderful effect produced by irrigation, wherever the means could be obtained; everywhere I found lands of

vast extent, fertile properties, now lying comparatively waste, but wanting only water to convert them into plains of the richest cultivation; and everywhere I found among the people the keenest anxiety to be supplied with that by which alone they could be enabled to turn their labour to good account."

I find in a speech delivered by Lord Stanley in 1859, himself at one time Secretary of State for India, the following statement:—

> "With regard to the public works in India, I have seen some doubt expressed whether the returns from these works were accurately given. I have since gone through the figures and verified them from official documents, and I find they are strictly accurate."

The noble Lord was speaking of these very works in Tanjore. The Hon. W. Elliot, a member of the Council of Madras, says—

> "In irrigation-works the physical impediments are generally few and easily met, the returns are sure, always considerable, often immense; they have increased the wealth of the inhabitants in a remarkable degree; and with property the people have acquired habits of independence, a desire for knowledge, and for the extension of useful schemes of every description."

Sir Charles Trevelyan, in a report upon the state of Madras in 1859, states that—

> "Works of irrigation create new value by an immediate and positive process, with a profusion of which there is no other example. They add from three to six fold to the annual productiveness of the land. This is better than the annexation of new territory. . . . . The Natives are encouraged to a life of peaceful industry."

It is, indeed, far better than annexation; for if only one-tenth part of the Presidency of Madras were cultivated after the fashion of the districts I have mentioned, it would more than double the revenue and quadruple the comforts of the people. The words of Dr. Johnson might be realized; there would be "the potentiality of growing rich beyond the dreams of avarice." A large addition would be made to the exchequer; and that, not only without pressing hardly upon those who contribute to the revenue, but with an increase of their resources. We should improve the condition of the people in all senses. We should enable them not only to meet the demands of the Government, but also to become large consumers of British manufactures, thus benefitting our own countrymen and adding to the well being of our own people. In whatever light we consider this question we cannot fail to be convinced of its deep and lasting interest. If we regard it financially, we see the means of largely increasing the revenue, and at the same time extending the means of those who furnish that revenue. If we regard it commercially, we see benefits on both sides; we perceive the means of stirring the industry of Great Britain to the greatest extent, and, at the same time, of enabling India to return to us by her produce what we require in exchange for our manufactured goods. Politically it is of manifest importance that we should adopt all measures that may add to the contentment and happiness of the people, and thereby give honour and security to our rule. If we regard it morally, is it not, I would ask, a great matter that the Natives of India will be induced to look with favour upon the laws, the language, the civilization, and the religion, of a race of men who exhibit such powers of science, and turn them to such high and beneficent purposes? I have heard that, in one of the improved districts, it was said to a missionary, "Until you Christians came among us we never had anything of this kind." By elevating socially the condition of the people we create feelings of independence and self-respect. Instead of a servile, down-trodden race, they will become able to assert their rights, to exercise their privileges, and to stand erect in the dignity of free men.

My Lords, when the late famine broke out in India, the people of this country properly and liberally subscribed to relieve the distress. It was right and humane to do so; but I venture to say that if a sum, equal to that contributed for the relief of the famine, had been expended in earlier days, upon the construction of works, it would have prevented that calamity, and have rendered those districts fertile and productive for many generations to come. My Lords, what do we not owe, in the position we occupy, to ourselves and to British India? By the seizure of the territory we have assumed the many and various responsibilities of empire. By the conquest—no doubt the beneficial conquest—of the country, we have torn from the Natives all means of improving their own financial condition, of regulating their own internal concerns, or of advancing, unaided, their own interests. Our duty, then, is clear. But, above all, we owe these efforts, in gratitude and obedience, to Almighty God, who has been pleased to place under the rule and protection of Queen Victoria the most magnificent empire that ever yet figured in the annals of mankind.

Moved,

"That an humble Address be presented to Her Majesty to assure Her Majesty that this House has regarded with great Satisfaction the Progress of Public Works in various parts of India; and to beseech Her Majesty that, with a view to confer further Benefits on that Country, She will be pleased to take into Her immediate and serious Consideration the Means of extending throughout it, as widely as possible, the best Systems of Irrigation and internal Navigation."

EARL DE GREY AND RIPON said, he was confident their Lordships had all listened with the greatest interest to the able, eloquent, and forcible speech of the noble Earl who had just sat down, and he could assure the House that if he rose to follow his noble Friend, it was with no intention of contesting in the main the principles which the noble Earl had endeavoured to impress on their Lordships. He entirely agreed with his noble Friend in regarding the extension of works of irrigation and of internal communication as of the first importance to the welfare of the people of India. He was glad to find that the noble Earl had not been led, by the great attention he had paid to the subject, to enter upon any hostile criticism of the acts of the Indian Government, either of an earlier or later period. For himself, while not unwilling to confess that a great deal still remained to be done in that country in the direction just pointed out, he had yet the satisfaction of being able to say that at no previous epoch in the history of India was its Government more fully alive to the vast importance of this subject than at this moment. It was well known that the works of irrigation which had been begun and were in progress at the outbreak of the late mutiny were of necessity, from financial and other reasons, suspended during the continuance of that revolt. But since its suppression the Indian Government had set itself heartily and in the right spirit to the prosecution of this great task. That Government was as fully convinced as the noble Earl could be that it owed it to the people of India to devote itself as far as possible, within the limits of its resources, to the development of public works of the description under discussion. He could not better convey to their Lordships the spirit in which the Government of India was now acting, or in fewer words place before them the course which it was intended to pursue in this matter during the coming year, than by quoting a few sentences from the speech recently delivered by Mr. Laing when bringing forward his Budget in the Legislative Council. Speaking of the expenditure of India, Mr. Laing said—

"The next head of expenditure in my Budget shows an increase, not a reduction; but I think you will pardon this when I say that it is for civil public works. The Imperial assignment for civil public works is £3,121,129 in 1861-2 against £2,897,671 in 1860-1, or £223,458 increase; in addition to which £230,000 more will be spent next year than this from local funds, and the amount required for repairs is smaller, so that on the whole the expenditure on new works of improvement will be about £500,000 more in 1861-2 than 1860-1. Of this a large portion will go in making roads, which I believe to be, as a general rule, the most advantageous way of spending money in most parts of India. In addition to roads, we shall spend more money on canals, and especially in developing those works of irrigation in connection with our great canals which have proved of such infinite value in averting the consequences of the famine."

Such being the spirit in which Mr. Laing stated that it was the intention of the Indian Government to proceed in this matter, since the speech of which that was an extract came to this country it had been his duty carefully to go over the Budget-orders, as they were called, of the Indian Government in regard to public works in the different provinces, and he had risen from their perusal with the strongest conviction that the endeavour of the central Government of India had been to stimulate all the local and provincial Governments to devote their energies to the carrying out of works of this character. He might add an important statement—that the sum to be devoted to public works this year would be appropriated almost exclusively to civil and industrial works. The principle on which the Budgets of this year had gone was to reduce, where it was possible, the items for public works relating to barracks and other military requirements, and to increase — and in many instances largely increase — the sums allowed for works of irrigation and communication—the very kind of works advocated by the noble Earl. The amount taken this year in the general budget of India for internal improvements was £1,500,000, of which no less than £1,400,000 was to be applied exclusively to works of irrigation, and the communications by land and water; and he believed that even that sum did not entirely represent the money that would be expended by the Indian Government this year in that manner. His noble Friend had called their Lordships' attention to the great results derived during the present famine from the works already executed in connection with the Ganges Canal. However much England might have fallen short of its duty to India in various respects, he was persuaded that that great undertaking, the Ganges Canal, would always form a most creditable monument of the liberal spirit of our Government as well as of the skill of the engineer who had constructed it, Sir Proby Caultey. No doubt the full benefit of that work could not be derived by the people of that country until the smaller distributive canals to be fed from it in every direction were completed; the Indian Government were quite aware of that fact, and accordingly in the Budget of the North Western Provinces for the present year a sum had been allotted, which was the largest, in the opinion of the Lieutenant Governor of that district, that could be expended during one year in the construction of distributing canals in connection with the great Ganges Canal. And it should be borne in mind that the making of these distributive canals involved a very large proportion of scientific labour as compared with the unskilled labour required in the mere excavation of the larger channels, because each of the smaller canals must be laid out with care and skill by officers of engineering experince. The result was that the amount of this description of work which could be executed in a given time was, of course, limited by the supply of skilled labour that could be obtained. But the central Government of India, while it had approved the Budget of the Government of the North Western Provinces, and had consequently agreed to the sum intended to be devoted to the distributive canals, had also recommended that other canals, in connection with the Grand Canal, which were not precisely in the position of distributing canals, but were large channels although of a secondary character, should be proceeded with to a greater extent than was originally proposed, so as to give the whole surrounding country a participation in the benefits and advantages of the canal. The result was that a larger expenditure than was at first intended would be sanctioned, and that a canal would be executed in the Bolundshuhur district, with which the noble Earl was, no doubt, well acquainted. That work had been ordered to be completed to the extent of three lacs; and it had been possible to combine during the present famine the employment of the people with the prosecution of the works which were designed to prevent the recurrence of the very evils from which they were now suffering. The noble Earl had referred to the famine as a proof of the necessity for such works; and he (Earl de Grey) fully concurred in the observation. Great as, no doubt, had been the distress of the population of various parts of India, he was happy to be able to state that the information which reached him from different sources tended to show that, comparing the present famine with the similar calamity in 1837, the people were found in a much better condition by those who came in contact with them than during the previous severe visitation. It was also to be observed that a vast amount of emigration from the famine districts had taken place into those where the famine did not prevail. Of this emigration a great portion was spontaneous on the part of the people, although to some extent it had been encouraged by the Government. This showed that the intelligence of the people had been developed, and that they were more able, as their condition was raised, to meet the difficulties of the time. The noble Earl had touched on another large subject, which, no doubt, was of very great importance—he meant the opening up of the navigation of the Godavery. That subject had occupied the attention of the Indian Government. Unfortunately, the mutiny had interrupted the works; but at the end of the last year a sum was voted for proceeding with them, which was as much as could be spent up to the termination of the last financial year. The Government of India, in the Budget of the present year, had also allotted a considerable sum for that purpose. With regard to the views expressed by the noble Earl on this subject, he (Earl de Grey) should be the last person to underrate the importance of opening up this district by means of these works. When the navigation of the Godavery was opened up—when they provided water communication for a district of that description—they would greatly cheapen all the products of that district. And similar advantages would, no doubt, result from the Indian railways. Before leaving the subject of the Budget for public works in India, he could not help referring to the great assistance which the Government had received from the present Secretary in that department, Colonel Yule. The Government of India were strongly impressed with the merits of that officer. He had discharged his duties with eminent ability, and the public would derive great advantage from his services. The noble Earl, in his speech, did not make any specific recommendation as to the mode in which these works of irrigation and internal communication should be carried out. For these purposes, he (Earl de Grey) had already stated that the Government of India had allotted in the present year for this purpose the largest sum they could consistently with the present condition of their finances. They had reduced other branches of expenditure, and ordered increased expenditure in this, and they were determined, within the necessary financial limits, to carry out these works as rapidly and as fully as possible. But if his noble Friend intended to imply that it was the duty of the Government of this country to raise funds in the money-market for the purpose of carrying on works of irrigation and water communication thoughout India at once and immediately, he must say he differed from him in that respect. As all their Lordships were aware constant calls were being made upon Government for expenditure on public works in India, not, indeed, of the description referred to by the noble Earl, but for the construction of railways; and during the present year no less a sum than £8,000,000 was required under that one head. Those sums were raised either by the railways themselves or under the guarantee of Government in the money-market of this country; and he believed, from the best information he had been enabled to procure, that there was very great doubt whether the money-market in this country would be able to raise a much larger sum than that very considerable amount for that particular purpose. The market might get sick of securities of that description. Until the railways were completed the Government had no means of reimbursing themselves the large sums they were paying for guaranteed interest, and it was, therefore, their first duty, in order to relieve the Indian Exchequer from this burden, to complete the railways as fast as possible. It was, therefore, necessary to raise these loans for railway purposes, but he did not believe that the money-market would be able to raise a much larger sum than he had stated, or that the finances of India would be able to meet any increased charge for interest. As regarded the importance of the question which his noble Friend had so ably brought before their Lordships, there was no difference of opinion between his noble Friend and the Government, or, indeed, any Member of their Lordships' House. Her Majesty's Government and the Government of India were firmly determined, and never were more determined, to proceed with works of this description as fast and as fully as they could consistently with the financial condition of that country; but until the finances of that country were restored to their natural equilibrium—which he hoped soon to see — their condition imposed a necessary limit which they could not overpass. But while the Government entirely concurred in the principles laid down, he must put it to his noble Friend whether, as the Government of India were acting in the very spirit he recommended, it would be convenient to ask the House to agree to a Resolution such as that with which he concluded his address? He understood that his noble Friend did not mean to imply any blame on those charged with the duty of carrying out and superintending works of this description; and there was always a danger, in passing a Resolution like this, of raising hopes which might not be realized both in India and elsewhere. He, therefore, ventured to hope that his noble Friend would content himself with the discussion he had raised by his able, complete, and thorough exposition of this important question.

Lord LYVEDEN said, he entirely agreed with all that had been said as to the importance of this subject and the value of ample details which had been submitted to their Lordships by his noble Friend; but he complained that, while the noble Earl who had just sat down had replied out of the Budget speech of Mr. Laing, that Budget speech their Lordships had not yet seen, although Mr. Wilson's had been presented at once. He regretted the absence of all documentary information upon Indian subjects. The noble Earl (Earl de Grey) informed them that £1,500,000 was to be expended on the public works of India; but he believed that a much larger sum used to be annually devoted to that object previous to the mutiny. If the Government were going to spend merely what they could spare from the surplus income of India they might as well say at once that they had resolved not to proceed with works of irrigation—for with such dribbling sums no great or useful effort could be made. He was not quite, perhaps, prepared to urge that a loan should be raised for the purpose, but it was due to the House that they should be informed of the exact position in which the Government at present stood. They could not have a better opportunity of establishing a good system in India and of rendering the British Government popular among the inhabitants than that which was now presented to them. He would not enter on a discussion of the merits or demerits of previous Governments in India; but he might say that it was generally believed by the Natives of India that the East India Directors did not carry on the public works, and especially those for irrigation, with sufficient zeal. If the Natives found that greater attention was paid to these matters under the new rule they would be disposed to regard it as a blessing; but the popularity of Her Majesty's Government would be much diminished if they showed any unwillingness to promote those improvements which the Natives deemed essential to their welfare, and knew to be so considered by their Mahommedan rulers. Without resorting to a loan, there was another mode in which these works might be carried out, and that was by means of private companies, who would undertake them in the hope of deriving a profit from them. He had never looked with favour on the system of giving large subsidies to companies; he understood, however, that an unguaranteed company had been set on foot, and he thought that such companies were entitled to the utmost encouragement from the Government. Some check should be imposed on them to prevent fraud on the public; and a system of supervision should be established which would meet Sir Arthur Cotton's recommendation — "inspection, but not interference." He believed that any company which embarked in a speculation of that kind would not only reap reasonable remuneration for themselves, but confer a great benefit on the country. Their Lordships were much indebted to the noble Earl opposite for bringing forward the subject; but, in the present state of the House, he might think it advisable not to press his Motion against the opposition of the Government. He hoped, however, that it would serve as a stimulus to the Government to exert themselves more zealously in the promotion of public works in India, either by the encouragement of private companies or by raising annual loans of considerable amount, and devoting them to that object.

Lord OVERSTONE said, that this was unquestionably a subject involving most important considerations both with regard to India and Great Britain, and the House was under obligation to the noble Earl (the Earl of Shaftesbury) for the manner in which he had brought it under their notice. At the same time, however, he must say that it appeared to him that the noble Earl on the Government bench (Earl de Grey) had given the noble Lord a complete answer. While acknowledging the justice of the principles and the accuracy of the statements of the noble Earl, the noble Earl (the Under Secretary for India objected to the adoption of the proposition which he had submitted to the House, as being altogether unnecessary. The object of that proposition was to give expression to the feeling that the Government had not applied themselves with sufficient zeal and energy to the development of the resources of India, and to imply that the Government wanted stimulating. In that opinion he (Lord Overstone) did not agree. It was a very grave question, under what circumstances, and to what extent was it safe, wise, and, therefore, beneficial to the country itself, for the Government to undertake the development of Indian resources, instead of leaving it to the energy and enterprise of private individuals and companies. Further there seemed to him to be a great omission in the speech of the noble Earl who introduced the subject. The noble Earl described in strong terms the importance of the measures he advocated, and the benefits to be derived from them, but he unfortunately neglected to inform them whence the funds were to be drawn for defraying the expense of the various works he wished to be undertaken. His noble Friend the former Secretary for India (Lord Lyveden) followed in the track of the noble Earl who opened the discussion, in omitting to state where the money was to come from. If it was intended that a loan should be raised by the Indian Government on Indian credit then he shared the view that had been expressed on behalf of the Government, that Indian credit was taxed to a sufficient extent already, and that nothing could be more essential to the effectual development of the resources of India itself than that Indian credit should be maintained intact. It would be a most suicidal policy to overburden Indian credit for the purpose of pushing on public works in that country. Perhaps, however, it might be proposed to provide funds by means of loans in this country, and under British guarantee? In that case, he would direct the attention of their Lordships to the consideration that such a measure would go far to precipitate that danger which he had always apprehended from recent legislation in regard to the Government of India. Having once undertaken to govern India under the direct authority of the British Crown, and through Ministers holding office under the approval of the British public, he could not see how they could long keep the Indian revenue separate and distinct from that of Great Britain. If that danger was necessarily inherent in the political relations which had recently been established between this country and India it would be rendered far more imminent if they proceeded to raise money under the Imperial guarantee to carry on these works in India. Then, again, the noble Baron (Lord Lyveden) had referred, in somewhat ambiguous terms, to the agency of private companies in carrying out public works in India. As he understood the noble Lord these companies were to rely entirely on their own resources and responsibility in carrying on their own operations; but while they were not to receive a subvention from, they were to be under the inspection of the Government. He had had some experience in matters of that kind, and he was utterly unable to comprehend what could induce any company to submit to the supervision of the Government unless they received some direct pecuniary assistance from them. The whole proposition, therefore, resolved itself into the question —In what manner and from what resources the works were to be carried on? He held that the view taken by the noble Earl who spoke for the Government was sound and practical; and he trusted that by persisting in that course which they had already pursued, they would succeed in developing those resources which were of such vital consequence to the interest both of Great Britain and India. There was another point raised by the noble Earl who commenced the debate, which deserved notice. In his enthusiastic estimate of the resources of India, the noble Earl pointed out their extraordinary development from the moment when the breaking out of the Russian war caused a demand for produce which we had hitherto received from Russia. It seemed to him that that part of the noble Earl's speech answered the other part of his argument. If the pressure of a war with Russia, checking the supplies from that part of the world, produced at once such a vast development of the resources of India, upon the same principle, and through the same process, why might they not look for a large increase in the supplies from India of those products which were now subject to similar influences owing to the American war? It certainly appeared to him that the whole of the arguments of the noble Earl on that point tended directly against his own recommendation; and were inconsistent with the great principle of political economy, that the extent of the supply will in the final result be determined by the extent and intensity of the demand. Under these circumstances, and especially directing attention to the great question of how means were to be found for carrying out these great works, he had no hesitation in expressing his satisfaction with the view expressed on behalf of the Government and his confidence in their policy. He thought that the most proper and courteous course which the noble Earl could follow would be to withdraw his Motion, and thus to avoid expressing, by an indirect vote, any want of confidence in the sound policy or the discreet energy of the Government in this matter. In case the noble Earl did not consent to do so, he must move the Previous Question.

Motion objected to, and a Question being thereupon stated—

THE MARQUESS OF CLANRICARDE said, he thought the management of the resources of India under the late Company was extremely bad, but he had never taken so gloomy a view of Indian finance as seemed to be entertained by the noble Lord who had just spoken; because, if he rightly understood the noble Lord, he was of opinion that the credit of India was so low that, no matter what inducements were held out, it was impossible to raise money for profitable investment in that country at the present moment. In the able, lucid, and powerful speech of the noble Earl who opened the debate they were told, and he believed no one disputed it, that money laid out on works of irrigation in India had returned a profit of 69½ per cent. He, therefore, very much doubted the assertion that no money could be raised, either in England or India, for investment in works which immediately returned that large interest. The real question was whether those works were rapidly and undoubtedly profitable to the Government and to the country? Without attempting to raise the vexed question respecting Government by the Indian Council here, he ventured to say that at the present moment India was governed more in England and less in India than it had been for years. The noble Earl the Under Secretary of State, in referring to Mr. Laing and his Budget, clearly showed that it was the opinion of Her Majesty's Ministers that no money should be laid out on public works in India, except money from the annual income. He submitted that that was not a sound principle, or the principle upon which they acted at home. When money was wanted for profitable works in England or even for fortifications the Government did not hesitate to ask for a loan; and the cost of these reproductive works in India might be easily defrayed by loans, as the outlay would be gradual, and the return very rapid. He thought that extraordinary means might be found, without rashness, to enable companies or the Government to finish some of these works, and that their completion would be a great advantage to the country as well as an addition to the resources of the State. A letter from the Secretary of State to the Madras Irrigation Company, dated June 2, 1860, showed that he did not consider it impossible for the Government to connect themselves in some way with private companies, and to afford them facilities for carrying out these works, for Sir Charles Wood proposed to allow them to take land in the first instance free and ultimately to pay a rent to the Government. As to the works on the Godavery, he condemned the postponement of their completion for fourteen years, if, as he believed, they could be finished in three or four, and he reminded the Government that they might occasion the deaths of half a million of people by famine, should a famine occur in the interval, to save the difference of cost in raising the money at once. He did not underrate the benefit of railways, but in such a country as India the benefit of canals for traffic was nearly equal, and when irrigation was added very far superior to them. Indeed, the immense value of such works had not been in the slightest degree exaggerated by the noble Earl who had so ably opened the debate. In Italy, especially in Lombardy, there were noblemen whose chief incomes were derived from streams of water used for irrigation purposes: how much more easy would it be for the Government to make works of irrigation in India a source of revenue? He agreed that there was little use in coming to a vote upon the Motion; but if the noble Earl divided he should certainly support it.

The Duke of ARGYLL said, that the noble Marquess had misinterpreted the meaning of the noble Lord who moved the previous Question. He did not understand the noble Lord to lay down the doctrine that such works ought never to be undertaken by means of loans, but merely to say that there was already a sufficiently heavy charge for public works on the revenues of India, without undertaking new responsibilities till the schemes already guaranteed had become reproductive. The noble Marquess and other noble Lords seemed not to be aware of the enormous extent to which the credit of the Indian Government was pledged. Before the mutiny the debt was between £40,000,000 and £50,000,000. It was now closely verging on £100,000,000, besides £56,000,000 which was the amount to be expended on railways. Of the latter amount about £30,000,000 had been actually raised and expended, and as £8,000,000 more would be expended this year, at the end of the year the Indian Government would be paying 5 per cent interest on £38,000,000, to be increased in a very few years to £56,000,000. The Indian Government was receiving only about £500,000 in relief of the full amount of interest, and the charge on that account would be £3,000,000 or £4,000,000 annually for several years. With this prospect he thought it unwise and impolitic to pledge Parliament or the Government to raise any very large additional sum even for such important works as those to which the noble Earl had referred. Railway communication was the first essential; and after that was completed they could proceed with works of inland navigation and irrigation. The progress, however, in works of irrigation and inland navigation had not been so slow as was represented. Up to 1815 hardly a farthing was spent on those works; but since 1815, and particularly during the last twenty-five years, their progress had been even rapid. The amount of canal communication actually opened in India was, he believed, 1,840 miles; and that was a very large amount of public works of that kind to have been effected within twenty-five years. As to the question whether these public works should be carried out by private companies or by Government, there could be no doubt that where works of any kind could be effected by private enterprise it was better that they should be so carried out. In this country that would undoubtedly be the case; and in any country peopled by the Anglo-Saxon race these great works were far better left to the enterprise of individuals or companies; but it was almost certain that in India they would not be undertaken by Native enterprise, and it was doubtful whether they would be undertaken by English enterprise without some assistance from the Government. When Lord Hastings began these public works he distinctly intimated that offers had been made to him from private companies, and he gave a curious reason for declining them—that they were works of such dignity, of such benefit to the people, and of such magnitude, that they ought to be carried out by the Government only. This was a principle of very doubtful expediency; but it had been carried out from that time. He could not agree that the proposed expenditure for this year was so unsatisfactory as the noble Marquess seemed to think. The sum proposed to be spent on public works was £3,270,000, in addition to certain works which it was intended should be supported from local funds under the new powers of local taxation which it was proposed to give the Presidencies. Of this only half a million was applicable to military works. Certainly, in the present state of the Indian finances, it would not have been safe to devote a larger sum to that purpose. He quite concurred in all that had been said of the extreme interest and ability of the speech of the noble Earl. He deserved the thanks not only of the public, but of the Indian Government, for having brought the subject forward; but as the Government did not dispute a single principle which he had laid down, but simply contended that the adoption of such an abstract Resolution would be inconvenient, he hoped the noble Earl would agree to the previous Question.

LORD HARRIS, referring to the sum which it was proposed to spend on public works this year, said, that when the new Public Works Department was established it was desired, of course, to commence as many large works as possible, and for three or four years the Budget for the Presidency of Madras amounted to between one and two millions, but he found that the staff at the command of the Government was so weak that it was utterly impossible to get the expenditure up beyond £500,000, so that really if the Government of India attempted to spend more than the sum they proposed—from £3,000,000 to £4,000,000—they would be utterly unable to do it, except they threw their money away, because they could not get a sufficient number of officers of experience to superintend the works. Having seen the works which the noble Earl had so well described, he fully concurred in all he had said as to their success, and he had no doubt that when money could be found to continue them their further progress would be equally successful.

The EARL OF SHAFTESBURY, in reply, said, that as he should probably have to go into the lobby by himself, if he divided in the present state of the benches behind him, the best thing for him to do would be to accept the proposition of the noble Baron below (Lord Overstone). He had, however, the satisfaction of knowing that he had in favour of his Resolution the concurrent opinion of the Government, of their Lordships' House, and, he believed, of the public out of doors.

Previous Question put, "Whether the said Question shall be now put?"

Resolved in the *negative.*

House adjourned at a quarter before
Eight o'clock till *Monday*
next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 5, 1861.

MINUTES.] PUBLIC BILLS.—3° Industrial Schools; Inclosure (No. 2); New Provinces (New Zealand); Offences in Territories near Sierra Leone Prevention; Industrial Schools (Scotland).

IRREMOVABLE POOR BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 (Three years shall be substituted for Five in 9 and 10 *Vic.* c. 66, s. 1, and Residence in a Union shall be equivalent to Residence in a Parish),

MR. LOCKE moved at the end to add "and for this purpose the area subject to the provisions of the Metropolis Local Management Acts shall be a union." This subject had been brought before the consideration of the House so long ago year 1857 by his hon. Friend the Member for the Tower Hamlets, who, like himself, represented a large class whose interests had materially suffered by the changes that had taken place in the Poor Law, in his Equalization of Rates Bill. The present Bill, however, made no attempt to grapple with the subject. His proposition, therefore, was that the area of rating should be extended so as to include the whole Metropolis, and that the Metropolis for the purposes of this Act should form one union. The present state of things was this—that the poor had been removed from the richer to the poorer parishes; so that it had come to pass that in these parishes the poor were supporting the poorer. In the City of London, for example, where the great merchants carried on their business the parishes were charged with the support of comparatively few poor, though the labour of the working classes living in other districts was of the greatest advantage to them. In the same way the great employers of labour in other parts of the Metropolis were freed in great measure from the support of the poor. If it could be shown that this discrepancy arose from the effects of legislation, he thought it was not too much to ask that legislation should be called in to alter it. Now, so long ago as the passing of the Poor Law Amendment Bill, an alteration was made in the law of settlement; and a large amount of extra taxation was created. Part of the law of settlement was that of hired servants. Where a person bound himself for twelve months as a servant to another, by the performance of that service for a year and by forty days' residence in that parish he obtained a settlement. This state of the law was altered, mainly, he believed, from the reluctance of agricultural employers to hire labourers for a twelvemonth and thus enable them to obtain a settlement in the parish. It was altered for the purpose of enabling the working man to go from one parish to another without gaining a settlement. His opinion was that the law of settlement ought to be abolished. But, if so, the present parochial system could not be maintained. What was the present state of things? Take the parish of St. George's, Hanover Square; a man might hire himself, and pass the best years of his life in that parish, but he could gain no settlement there; he must look for his settlement in one of the poorer parishes. The dwellings of the poor were swept away in the richer parishes, where improvements were constantly made in the beauty, health, and convenience of the dwellings. Thus the servants of the richer classes were driven to settle in the poorer parishes, and the burthen of the rates was greatly increased upon them. And what happened then; Parliament again stepped in and said that where a person had an industrial residence in a parish for five years, and fell into want, he should be irremovable from that parish; and the present Bill proposed to substitute three years for five. He thought this would act well in the rural districts; but it was not applicable to the Metropolis. It would act with peculiar hardship upon the parishes of the district which he represented, particularly those of Bermondsey and St. George the Martyr, Southwark. The latter was a union of itself, and by this Bill they were imposing a new liability on the parish, without giving them any corresponding advantage whatever. This was a gross injustice. The poor of the Metropolis were as much entitled to consideration as those of any other part of the country, and, therefore, he proposed that the Metropolis should be dealt with as other parts of the country were, and that it should be formed into a union by itself. He proposed that "the charge of all the persons who might become chargeable under the Act within the limits of the Metropolis as defined by the Act for the better government of the Metropolis should be defrayed by all the parishes in the Metropolis as if the same were a union, and that the Poor Law Board should issue such orders as might be required for apportioning such charge and levying the contributions required for the payment thereof." This latter proposition, however, which he might call the machinery for carrying out his object, he would not move for the present, but would content himself with moving that the whole area of the Metropolis should be formed into a union.

MR. AYRTON suggested that the additional Amendment should be moved as a separate substantive clause.

MR. LOCKE said, he would move his original Amendment, and in case of its being carried, would then move the additional Amendment.

MR. WARNER said, he wished to see the operation of the law of settlement readjusted, and referred to its unfair operation on the city of Norwich. The first clause of the Bill would increase the evil in such towns as Norwich, inasmuch as the poor would be forced into those towns while they worked in the parishes in the neighbourhood. He did not think the Amendment of the hon. Member for Southwark would meet the case of London, much less the case of country towns. He was in favour of the Bill generally, but was opposed to the first clause.

MR. KNIGHT said, he thought the city of Norwich had no reason to complain. It appeared that the rateable property in Norwich had increased within a short period from £70,000 to £290,000. What Norwich was suffering from was the circumstance of so large an area being included in one rating. Norwich, in fact, was calling upon the county to pay the wages of its workpeople. There was no ground why Norwich should seek to extend its area of rating.

MR. DODSON contended that though a poor man worked in one parish and lived in another, the latter parish had the benefit derived from the expenditure of his wages, and when he needed relief it was but fair that that parish should give it. He admitted that while the area of rating might be made too large, it might also be confined within too small bounds. The best arrangement was that by which localities having a community of interest were united for the support of the poor. He could not assent to the Amendment of the hon. Member for Southwark, which he believed would prove injurious to the poor themselves and to the poorer parishes by taking away all inducements to economy.

SIR GEORGE LEWIS said, he should despair of getting through with this Bill if they were to enter upon the discussion of all the points raised. The Bill was a very simple one, the result of investigations before Committees, and founded upon the recommendations of a Committee. The Bill was one that related to the whole country; but the hon. Member for Southwark proposed to introduce a totally new and distinct question—namely the equalization of rates in the Metropolis. If his object were carried out a new administrative machinery would be necessary for the Metropolis. Indeed, it would require a new Bill altogether, and one of considerable complication and difficulty. He hoped the House would not agree to his Amendment, therefore, but would proceed with the real objects of the Bill, which would be highly beneficial to the landed interest.

MR. BENTINCK thought the right hon. Gentleman was too sanguine if he expected that discussion on a question of this sort would be limited within a very small compass, for it was impossible that a Bill like this should not lead to long and desultory discussion. He was opposed to this Bill, because it would relieve the pressure upon the urban parishes at the expense of the rural districts, and because the extension of area for rating purposes would lead to waste and extravagance. He trusted that at any rate the Bill would not be allowed to pass in its present state.

SIR GEORGE LEWIS said, what had fallen from the hon. Gentleman reminded him of the contest as to whether a shield was made of gold or silver, the fact being that the shield was looked at from two different sides by different persons. The hon. Member looked to one side of the Bill and he (Sir George Lewis) was looking at another, when he said it would be favourable to the landed interest. The part of the Bill he referred to as favourable to the agricultural interest was that which changed the period of irremovability from five to three years, and that which extended the area of irremovability from the parish to the union. [" No, no! "] He said " Yes," and it was to relieve the agricultural interest that the principle of irremovability after five years' residence was introduced by Sir Robert Peel. The part of the Bill to which the hon. Gentleman referred was, no doubt, the 9th Clause, which changed the mode by which the payment to the common fund was to be calculated. He was ready to admit that that change would be to some extent unfavourable to the rural parishes as compared with the urban; but it would only be unfavourable to the extent of the change made by the calculation being based on the rateable value instead of according to pauperism.

MR. HENLEY said, the right hon. Gentleman forgot that the whole amount of the rate would in many cases be doubled. The right hon. Gentleman asked them not to discuss the Bill, but to go on agreeing to its provisions. No doubt it would be easy enough to get through the Bill by reading its enactments, but it was much more important for the constituents that they should carefully consider the results, and he contended that they had not sufficient information to enable them to judge how the Bill would work. It was certain that it would work with great capriciousness, and if they proceeded with the Bill they would be taking a step in the dark. The present system of dealing with the poor was not a good one; but he did not think the Bill raised the question in a large spirit. He would recommend that the Bill should be put off till another Session, and that in the meantime the Government should prepare tables that would show them clearly what the probable consequences would be. It would be a great boon conferred upon the country if they could get rid of the question of settlement altogether by the adoption of some satisfactory rule of action. If they could be relieved, for example, from the risk of persons coming back upon them from distant countries there would be a greater likelihood of coming to an agreement as to the mode of adjusting the burden. He would give no opinion as to the Amendment of the hon. and learned Member for Southwark, though he thought that that hon. Member was pursuing a very reasonable course when he did what was in his power to relieve his constituents of the heavy charge which would be thrown upon them.

Mr. C. P. VILLIERS considered that the principle of the Bill had been sufficiently discussed on a former occasion, and hoped the Committee would confine itself to a consideration of the clause now before them. He objected to the Amendment of the hon. Member for Southwark, because he believed it would be impossible to carry out the principle of union rating on so large a scale as the Metropolis. A board of guardians for the whole of the Metropolis would be necessary, and he asked how such a board, having to deal with nearly 3,000,000, people was likely to work? He by no means thought that the injury to the poorer parishes which the hon. Member apprehended would follow from the operation of the Bill, and trusted that the clause as it stood would be agreed to.

Mr. BARROW entirely approved of the Bill. He thought the proposal of the hon. and learned Member for Southwark disposed of itself, when it was remembered that he proposed that the 3,000,0000 of inhabitants should be included in a single union. He thought it quite right that irremovability should depend upon a reasonable period of industrial residence, and was inclined to think that the reduction from five to three years would have a very limited operation.

Mr. Henley

Mr. AYRTON said, that the hon. and learned Member for Southwark had proposed the addition, with the view of raising the question whether, if Parliament unduly increased the burden on certain parishes, it should not also provide a remedy? The Government had undertaken to consider the whole question during the recess and to do justice to the whole community; but, instead of that they had brought in a Bill which they thought did great injustice to the parishes which he and his hon. and learned Friend represented. Poor people entering the Metropolis from the west were not allowed even to rest in one of the richer parishes; but were obliged to "move on" till they came to some district like Southwark, and there they remained and became chargeable. It was no answer on the part of the Government to say that they had not considered this subject. If they had not they ought—what was expected from them was a Bill which should meet the wants of the whole population of the country, and if they had not so sufficiently considered the question, that was a good reason either for withdrawing the Bill or adopting Amendments proposed for others. All that his hon. Friend desired was that, inasmuch as the working man laboured in one parish while he resided in another, the two parishes ought to be rated for his support when he became chargeable.

Mr. SOTHERON ESTCOURT regarded the proposal of the hon. and learned Member for Southwark as impracticable and unjust. He would suggest that the hon. and learned Gentleman should withdraw his Amendment and bring up a clause on the Report embracing the machinery by which he proposed to work out the object of his proposition. When at the Poor Law Board he had made an effort to carry out a scheme for the better relief of the casual poor of the Metropolis by dividing it into five or six districts, but he found that not above three or four of the parishes had the slightest desire to comply with the object he had in view. This showed the difficulty of dealing with so vast a field as the Metropolis, and he believed that in endeavouring to carry out the object of the hon. Member the difficulties would be insuperable. With regard to the clause, he agreed in the principle which it set forth. He was in favour of removing every impediment to the free action of the poor man, and would not object to two years instead of three, for he thought the smaller the number of years that were fixed the better. He did not agree with his right hon. Friend the Member for Oxfordshire in the views he took of the Bill. He thought it required some amendment, but, on the whole, he believed it would be a great boon to the poor man. He thought it was based on a great principle of justice, and should give it his hearty support.

MR. WALTER merely rose to express the hope that his hon. and learned Friend the Member for Southwark (Mr. Locke) would be satisfied with the discussion of this question that had taken place, and not press his Amendment to a division. His hon. and learned Friend was perfectly justified in bringing the question forward. There was great force in the arguments he had used to show that the change proposed by this Bill would aggravate the burden now borne by his constituents. But, whatever justice there might be in the abstract in the principle he advocated, it was clearly impossible that it could be tacked on to a clause in a Bill of this kind. Even if the Amendment were to be adopted, there was no adequate machinery by which it could be carried out. He was not prepared to go all the length the hon. and learned Member proposed in regard to an adjustment of the Metropolitan districts; but it certainly appeared to him that there was great room for improvement, and that the subject would be a fair one for a Committee of that House to consider, or for a separate Bill introduced by the Government. With regard to the particular clause before them, the tendency of that clause was to effect a movement in the direction which the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) thought most desirable—the gradual abolition of the law of settlement. He (Mr. Walter) believed that was a consummation to which they were gradually tending. In proportion as they extended the principle of irremovability they weakened the law of settlement. The principle of the law of settlement was more a ratepayer's than a poor man's question. The question was not so much what particular parish a poor man was to have relief from, as it was certain that he must have relief either in one parish or another, as on what parish the burden of his relief was to fall, and that was an object of interest to the ratepayers. But the question of irremovability was a poor man's question; and the more it was carried out the more it must tend to that abolition of the law of settlement to which the right hon. Gentleman the Member for Oxfordshire had called their attention. The incidence of taxation had always been one of the most difficult questions in social science, but, however much people might differ as to the shoulders on which taxation fell, one thing they all agreed upon was, that it was desirable to throw the burden on other shoulders than their own. As he thought the Bill would diminish this selfish tendency of our nature he cordially gave it his support.

SIR JOHN SHELLEY said, that the object which the hon. and learned Member for Southwark and the hon. Member for the Tower Hamlets had in view was to equalize the poor rates. Now, there was a great difference of opinion upon that subject, and he believed a majority of the ratepayers of the Metropolis would be proved to be against the hon. Members upon that point. But it was most unfair that a question of such vital importance should have been brought forward thus suddenly.

SIR LAWRENCE PALK concurred in the general principle of the Bill, but he thought its details demanded the most ample discussion when the right hon. Gentleman the Member for Oxfordshire, with all his vast experience, declared himself quite in the dark as to the operation of the measure. With regard to the law of settlement, he thought it was a step in the right direction. The changes, however, which the Bill proposed to make in the apportionment of the charges would seriously affect many of the agricultural parishes, and would materially add to the rates. This question would require careful consideration when they came to the 9th Clause of the Bill. He thought the principle of the Bill a good one, and though he could not give his consent to the whole of the details he should be very unwilling to offer any opposition to the Bill passing.

MR. KNIGHT thought this Bill placed a greater burden upon the rural parishes than existed at present. He considered that the Amendment of the hon. and learned Gentleman was very much to the purpose, and he thought it had hardly obtained the reception which it deserved.

MR. LOCKE said, he was satisfied, from the tone of the discussion, with the admission that the principle of his Amendment was a just one. He was prepared to bring forward a machinery for working out the proposal, but as it seemed to be the wish of the Committee, and inasmuch as legislation on the subject was expected to emanate from the Poor Law Board, he would withdraw his Amendment.

Mr. HENLEY should be glad to have more information before coming to a decision whether or not this Bill was founded upon the principles of justice.

Amendment, by leave, *withdrawn.*

Mr. WARNER repeated his objection to the first clause, that these unions in the neighbourhood of close parishes would be seriously affected by it, and he expressed his intention to divide the Commitee upon the clause.

Mr. KNIGHT proposed to introduce after the word parish in line 12, the following words :—

> "That five years' continuous residence in any parish shall confer a settlement therein, and four year's continuous non-residence in any parish shall forfeit and extinguish all claim to a settlement therein."

Amendment *negatived.*

Clause *agreed to.*

Clauses 2 to 7, inclusive, *agreed to.*

Clause 8 (The Chargeability of Union Paupers upon the Common Fund made perpetual),

Mr. THOMPSON objected to this clause, because by it the charges were made perpetual.

Mr. C. P. VILLIERS supported the clause, and asked what the hon. Member proposed to substitute?

Mr. AYRTON objected to the passing of the Act in perpetuity. He moved the omission of the words making it perpetual.

Amendment *negatived.*

Clause *agreed to.*

Clause 9 (Contributions to the Common Fund to be calculated according to the annual Value of rateable Property),

Mr. SOTHERON ESTCOURT proposed to insert the words—

> "Upon an assessment calculated by adding to the annual value of the lands and hereditaments in each of the parishes, as hereinafter described, a sum equal in pounds sterling to the amount in numbers of the population of such parish, according to the last census."

At present the common fund of each union rested upon what was commonly called averages. These averages were directed to be altered from time to time by the Poor Law Board. They represented the amount of pauperism in each parish. Now it was manifestly unjust to take the state of a parish twenty-five years ago as the standard of what it was to contribute to the common fund. According to his proposal, not only the value of property but the amount of population would enter into the calculation. He was quite aware that when the unions were in good circumstances his Amendment would make no difference. But where a combination of parishes was to be found in indifferent circumstances, it would take effect. He trusted the alteration would lead to the adoption of the parochial instead of union rating. He considered that the system of parochial rating was the cardinal point on which the question of economy turned.

Mr. C. P. VILLIERS said, he had had calculations made as to what the result would be with regard to payment if the element of population was added to the rateable value, and he found that there would be very little difference indeed. Seeing, then, that his right hon. Friend and himself agreed in principle as to having the contributions on the rateable value of the property assessed, he would leave it to the Committee to decide the questions that remained between them. If the Committee were willing to accept the Amendment he was not prepared to offer any objection, though he thought it was calculated to produce complications and difficulty.

Sir MATTHEW RIDLEY thought that the effect of this mode of legislation would be to cast upon the rural districts those charges which should be borne by others.

Sir BROOK BRIDGES contended that this clause was so important that it needed more discussion than could be given to it at that late period of their deliberations.

House *resumed;* Committee report Progress; to sit again on *Tuesday* next at Twelve of the clock.

THE IRISH CONVICT SYSTEM.

QUESTION.

Sir JOHN ARNOTT said, he wished to ask the Chief Secretary for Ireland, Whether he has any objection to lay upon the Table of the House a Copy of the Correspondence between Captain Crofton and the Irish Government, complaining of the difficulties placed in his way in carrying out the Irish Convict System in consequence of the reduction in the number of Directors, and whether it is the intention of the Government to fill up the vacancy in the Direction?

Mr. CARDWELL said, he had no objection to the production of the correspondence referred to, but it was not yet closed. With regard to the intentions of the Government as to the vacancy, the hon. Baronet might rest assured that they would first consult the efficiency of the service. The Government would intimate their intention as to whether it would be necessary to fill up the vacancy before doing so.

OCCUPATION OF TETUAN BY SPAIN. QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he is aware that there are no natural or geographical obstacles to prevent or retard the march of Troops from Tetuan to Tangier, a distance of one day's journey, by any Power having permanent possession of Tetuan? And, whether the acquisition of the coast district, continuing down to Tetuan from Ceuta, by any Power in possession of that fortress, would not render Ceuta, situated directly opposite to Gibraltar, and very much nearer to it than is Tangier, a place of great strategical importance, supported by a large acquired territory, and able to endanger the security of Gibraltar by threatening the independence of Tangier?

LORD JOHN RUSSELL said, the Government were quite aware of the position of Tetuan. With regard, however, to the consequences of the possession of that place by Spain in reference to our possession of Gibraltar he must decline to enter into that question.

THE PARTRY EVICTIONS—SELECT COMMITTEE MOVED FOR.

Order for Committee read.

Motion made and Question proposed. "That Mr. Speaker do now leave the Chair."

MR. M'MAHON rose to move that a Select Committee be appointed to inquire into the causes and circumstances of the recent evictions at Partry, and into the expediency of devising some means to prevent the recurrence of such scenes. The hon. and learned Gentleman said he was aware that the subject of these evictions had been recently much considered by the House, and he apprehended that the feeling which generally prevailed was that it was not desirable for the House to inquire into the way in which a landlord exercised the rights conferred upon him by the common law. But he should remind the House that there were special Acts passed in favour of the landlords in Ireland. Those Acts, however, were passed upon an implied understanding that the landlords would not abuse the powers which were thereby conferred on them. There was no necessity for such Acts in this country, inasmuch as English landlords never committed such outrages upon their tenantry as had been recently perpetrated in Ireland. If Parliament thought it necessary at one time to grant these extraordinary powers, he apprehended that, upon its being shown they had been abused, it was competent for Parliament to modify or withdraw them. It was also understood, when those statutes were passed, that they were such as would be carried into effect by the civil power; while, in fact, to such an extent had those powers been put in force, that the ordinary civil power was found unequal to the execution of them; and, consequently, the aid of an armed police and a military force was required to protect those engaged in them. He submitted that it was a fit subject of inquiry whether it was the duty of the Government to lend the assistance of the armed force to support such cruel and extraordinary proceedings. He admitted the right of the landlord to evict his tenants under certain circumstances; but he denied the right of those armed authorities, after they had seen the landlord placed in possession, to assist in the levelling and destruction of the tenants' houses. With the exception of the Church question no great practical grievance was left in Ireland, except the state of the law which permitted such wholesale evictions being carried out as those of which the House had heard so much of late years. To such an extent had these wholesale evictions been carried, superadded to the effect of bad government, that coercive Acts were the order of the day, and the Volunteer movement was not allowed to operate in Ireland. The county of Galway was, comparatively speaking, in a very quiet state until the Bishop of Tuam, Lord Plunket, a Member of the House of Lords, about five years ago purchased property in a portion of that county. He (Mr. M'Mahon) regretted being obliged to make a complaint against the son of a man to whom every Roman Catholic must ever feel grateful. The Lord Bishop of Tuam, soon after obtaining possession of his Partry estate, established proselytizing schools for the purpose of educating the children of his tenants in the Protestant religion. The rector of the parish, the Rev. Mr. Townsend, a missionary connected with the Church Missionary Society, gave every assistance to the Bishop of Tuam to carry out his views. This rev. gentleman was examined as a witness in Galway about two years ago in the case of a trial for libel on the Rev. Mr. Lavelle, the priest of the parish; and he swore upon his oath that he believed a Catholic priest to be the minister of Antichrist, and that he sent a challenge to the Rev. Mr. Lavelle to meet him in a controversial discussion. Dr. Townsend, with the Scripture readers and the bailiffs and agents of his Lordship's estates, went among the tenants and requested that the children might be sent to the school. There were printed rules with regard to the management of the estates; and the sixth stated that it was Lord Plunket's earnest desire that all the tenants should send their children to the school; but, it was added, his Lordship would not compel the observance of this rule by any person entertaining conscientious objections to doing so [*derisive cheers*]. He hoped that cheer would reach Lord Plunket. But, whatever might be Lord Plunket's intention, his conduct had led his tenants to the opinion that the "earnest desire" was to be enforced on pain of eviction. All the tenants who sent their children to the school were left on their farms; with only three exceptions, every tenant who did not send them was evicted. But there was a seventh rule, which stated that previous to the 1st of May in each year a notice to quit would be served on the tenants throughout the estate, the reason urged being to prevent a recurrence of the delay which had attended a refusal of the tenants to give up possession on demand by the agent when it was desirable to "strike the land." Now, was ever such a thing heard of in the world? Another rule required the tenants to adopt a proper course of husbandry in the cultivation of the land. If the proceedings of Lord Plunket had been in conformity with human principles, the noble Lord might have enforced his rights by means of the ordinary civil power, without the aid of a body of troops and armed police; but on that occasion a body of troops and 150 of the police were sent down to Partry to give the sheriff possession, and they stood by while the houses of twelve families were levelled to the ground, and the old, young, and helpless were left without shelter. Every one who had been so unfortunate as not to send his children to the proselytizing school was turned out. Since November there had been evictions on a smaller scale. Two families only had been turned out, and one of the persons evicted was a man who had sent his children to the proselytizing school, but who subsequently withdrew them. The result was that he and they were turned out, but not for refusing to "strike" the land. Lord Plunket, not choosing to justify himself by declaring that every man had a right to do what he liked with his own, had given reasons for his conduct, and one reason was that some of these tenants had burnt their land contrary to the rules of the estate. This burning of the land was one of the best things to produce fertility, and it had always been done before, but it so happened that those persons, or some of them at least, who had not sent their children to the proselytizing school had burnt their land. Other reasons were given for the evictions, but it was a curious fact that all who had not sent their children to the school were turned out; and that several who had refused to "strike," but who had sent their children to the school, were never evicted. He supposed that it would be alleged by some hon. Member that the Ribbon conspiracy had something to do with this matter, but it appeared to him that this Ribbon conspiracy was a sort of myth, which was always brought forward whenever it was desired to justify some oppressive proceeding on the part of a landlord. He trusted that the House would be of opinion that he had laid a basis for his proposal for a Select Committee to inquire into the circumstances of these evictions, and also into the expediency of devising means to prevent the recurrence of such scenes as had been witnessed at Partry. He thought that he had now laid a basis for such an inquiry as he desired. As he should not have an opportunity of again addressing the House he must announce that it was his intention to go to a division. The hon. and learned Member then moved—

> "That a Select Committee be appointed to inquire into the causes and circumstances of the recent evictions at Partry and into the expediency of devising some means to prevent the recurrence of such scenes."

Mr. MAGUIRE seconded the Motion.

Amendment proposed,

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed, to inquire into the causes and circumstances of the recent evictions at Partry, and into the expediency of devising some means to prevent the recurrence of such scenes.'"

—instead thereof.

MR. LEFROY said, it was the earnest desire of the right rev. Prelate (Lord Plunket) to have the case fully investigated, and he (Mr. Lefroy) would himself have seconded the Motion but for the objectionable practice which appeared to be springing up of demanding Committees of that House to investigate the management of private estates, the effect of which could only be to create ill will between landlord and tenant. He was, nevertheless, rejoiced that the matter had been brought before the House, because they would now have the opportunity of judging on what utterly groundless charges an excellent Irish landlord had been held up to reprobation. He regretted that the hon. and learned Member for Wexford should have joined with those whom he must call clerical agitators in bringing such a charge forward; he should have remembered that the right rev. Prelate was the son of a great and distinguished man who had devoted the whole of a long life to advancing the cause of his Roman Catholic fellow-countrymen, and not thus ungratefully avail himself of the position he held in that House, partly through the efforts of that noble and learned Lord—to calumniate his son. One would have supposed from the speech of the hon. and learned Gentleman that the evictions from this estate had been numerous and indiscriminate, that fifty or sixty families at the least had been evicted. The hon. and learned Gentleman said, moreover—

> "That the notices to quit had been served to an enormous extent; and that the persons who had been evicted had been turned out because they refused to send their children to a Protestant school."

The hon. and learned Member, however, forgot to state that the notices were served upon tenants who were many years in arrear; that all the notices had been withdrawn except twelve, and that the twelve persons against whom they had been put in force had all been directly or indirectly concerned in violations of the law. He (Mr. Lefroy) was prepared to detail the particular crimes for which every one of the evicted persons had been convicted; they had acted in persevering and litigious opposition to the rules of the estate; and others were not tenants, but had located themselves upon the property without permission. He would read to the House a list of the individual offences of the evicted persons—

> "Martin Lally—The father 'burned' his land, contrary to law and the rules of the estate; one son returned by coroner's jury as accessory to the murder of Lord Plunket's ploughman, a second convicted of 'brutal assault.' Edward Joyce—Tried for perjury; eleven jurors for his conviction. James Henaghan—charged with 'assault,' and pleaded guilty. Patrick Murray—The son convicted and imprisoned for 'brutal assault.' Michael Cavanagh—His son-in-law, engaged in 'riotous assault;' the father-in-law offered holding elsewhere. John Boyle—'Burned' his land, took defence, and vexatiously summoned Lord Plunket to appear as witness. Patrick Lally—Ditto. Mary Lally—Ditto. Thomas Lally—Ditto. Michael Henaghan—Ditto. Sally Lally—Squatter. Margaret Duffy—Ditto."

Such was the character of the persons turned out of possession of their land because it was said by the hon. Gentleman "they did not send their children to Lord Plunket's school." The House could see what was the general state of insubordination in the district from the proceedings at a meeting of the Mayo magistrates in February, 1859, and presided over by the High Sheriff of the county. At that meeting the following Resolution was unanimously agreed to:—

> "That we consider it our duty as magistrates, and resident proprietors in this district, to represent to his Excellency the Lord Lieutenant the disturbed state of the district comprising the parish of Ballyovey, situate in the Barony of Carra, and county Mayo, and the townlands of Churchfield Lower and Churchfield Upper, situate in the barony of Ross, and county of Galway. We are of opinion that sufficient protection is not given at present by the Government to the peaceable and unoffending inhabitants of that district. For some time back there have been many outrages perpetrated therein. One man brutally beaten, inoffensive women assaulted, a house burned, large mobs collected to intimidate some of the people, witnesses attending sessions at Ballinrobe and Claremorris have not been able to do so except under the protection of the police. These offences have been followed by the murder of an inoffensive man. We, therefore, urgently recommend that the above-mentioned district should be proclaimed, in accordance with the provisions of the Crime and Outrage Act, and that his Excellency will be pleased to take such other steps as he may think desirable for the protection of the peaceable and well-disposed inhabitants of that district."

It had been urged that the conduct of the priests on these occasions had been meek and mild; but he (Mr. Lefroy) would quote a specimen of the language employed by the priest of the district, Father Laveile. That individual concluded a letter of denunciation in these words—

> "You may draw the sword in aggression against the 'poor,' but the 'poor' are determined to a man to meet you. Let the 'notice to quit,' and the 'ejectment process,' and the 'sheriff,' and the 'crowbar'—let all come—there shall we remain

to meet them, with the same stern courage as did the Ghebers their Moslem foe in a less holy cause; and when all this is done the beginning has not yet arrived."

The right rev. Prelate having heard that it was the intention of the Bishop of Orleans to preach a sermon, in the course of which he was to charge him with having evicted from his estate a number of Roman Catholic tenants, in consequence of an alleged refusal on their parts to send their children to a Protestant school, wrote a letter to Lord Cowley, our Ambassador at Paris, to this effect—

> "The facts of the case are simply these:—During the past year I have been compelled to evict from my estate twelve persons with their families; some of these were tenants who had been directly or indirectly concerned in serious violations of the law of the land. Some were tenants who had acted in persevering and litigious opposition to the rules of the estate; others were not tenants, but had located themselves upon the property without permission. To have retained such persons upon my estate, after the continued and systematic provocation to which I have been subjected, would have only encouraged a spirit of general insubordination and lawlessness; and, therefore, in justice to myself, to my peaceably-disposed tenants, and to my neighbours, I felt reluctantly compelled to remove these tenants from my property. Such were my only reasons for evicting them; and to state that I evicted them, or that I ever evicted any tenants, for refusing to send their children to a Protestant school, is to assert that which is absolutely untrue. I am aware that a number of most specious misrepresentations have been industriously circulated in reference to this matter. Your Lordship will be, doubtless, surprised to hear that even falsified reports of the very evidence which I have given upon oath in open court have been furnished to the press, and words which I have never uttered have been published, and quoted as mine, with a view to convict me of prevarication and falsehood."

I shall now beg to call the attention of the House to the two following facts, which are open to investigation. At present there are 179 Roman Catholic tenants on Lord Plunket's estate, none of whom send their children to a Protestant school; and at the time when his Lordship first acquainted the twelve families with his intention of evicting them, he could not have been influenced by any refusal upon their parts to send their children to his schools, for there was not, as it happened, amongst them all at that time, with perhaps one exception, a child of an age suitable for attendance at school. With respect to the rev. Gentlemen from whom the hon. and learned Member for Wexford (Mr. M'Mahon) had obtained much of his information. He (Mr. Lefroy) must inform the House, and he did so with much regret, that the Rev. Mr. Lavello was obliged to leave Paris for misconduct of some sort; when he came to this side of the Channel, thinking, perhaps, that he might take greater liberties. The rev. gentleman attended a meeting in the round room of the Rotunda in Dublin, upon which occasion the Rev. Mr. Anderdon, formerly a Protestant clergyman, now a Roman Catholic priest, gave a reading of his translation of the sermon then lately preached in Paris by M. Dupanloup, Bishop of Orleans. The proceeds of this meeting, it was stated, were, as in the case of the French bishop's sermon, to be applied to the relief of the "victims" of Partry, and of "similar cases of unmerited distress." What were the real motives which underlay this system of tenant commiseration and landlord denunciation might be gathered from the concluding proceedings of the meeting. On that occasion Mr. Kavanagh, of the Catholic University, moved a vote of thanks to the Rev. Mr. Anderdon, and the Rev. Patrick Lavelle seconded the Motion, and concluded, in the words of the report, in these terms—

> "We are all Nationalists. [*Great cheering.*] We have all one end in view—the liberation of our dear, suffering, bleeding country. [*Tremendous cheering, and waving of hats.*] Do you know my creed at this moment? I know I am looked upon by the magnates of the land, and by the powers that be, as a firebrand. [*Hear, hear, and laughter.*] Well, I proclaim this:—give me Jew, Turk, Heathen—give me anything for twelve months—but send away the English tyranny. [*Loud and long-continued cheering.*]

Such was the language in which it was sought to raise up the worst passions of the people of Ireland, and such was an instance of the meekness of the rev. gentleman on whose authority the hon. and learned Member relied. He would leave it to the House to say how far they were disposed to come to a decision adverse to Lord Plunket on such evidence. Before the House appointed a Committee as was moved for to inquire into "the expediency of devising some means to prevent the recurrence of such scenes," it should at least be ascertained that the cases which were supposed to warrant an investigation were neither doubtful nor paltry. It appeared to him upon every consideration that he had given to the subject that not a single fact had been stated to warrant the Committee which the hon. and learned Gentleman required.

MR. WHALLEY said, that after the clear and complete answer which had just been given to the charges of the hon. and learned Member for Wexford, he should not have risen but that the hon. Gentleman (Mr. Lefroy) seemed to admit that the House had jurisdiction in these questions. On the contrary, he submitted that a greater abuse of the time of Parliament, and a greater outrage on the attention of Members, could not be perpetrated than by occupying the House with a mere question of the relations between a landlord and his tenants. In the county where he lived there had been cases of men having been put out of their holdings for acting in discharge of their political convictions, but it never entered into their head to bring their grievances before the House. But what was the charge against the right rev. Prelate? It was that he had attempted on a grand scale a system of proselytism. Why, what should he do? If the hon. Gentleman had seen Ireland as he did in 1847, when he could have taken a line and marked out the townships where famine and death and starvation extended almost precisely according to the jurisdiction and control and power of the Roman Catholic priests. [" Oh, oh!"] What should any right-minded and benevolent man then desire so much as to establish a system of proselytizm? He wondered what the rev. rector of Partry should have done, when at his ordination he recognized the religion which they not only tolerated but encouraged and paid for as "blasphemous and idolatrous." Every clergyman was called upon to preach against the "blasphemy and idolatry of Popery." He was not using his own words. Why, then, should a right rev. Prelate be attacked as for doing something wrong when he had merely endeavoured to proselytize and to win people away from a system which those who had examined it knew to be injurious, and to produce misery and all those miseries which were the natural results of its teaching? It was a first principle of that religion that no one should be at liberty to exercise his own judgment—that no one should read the books they pleased, but implicitly rely on what they were told, and thus, as it were, emasculate themselves, and render themselves incompetent to discharge the civil duties of life. Why, then, should hon. Gentlemen presume on their position in that House to make a charge against the right rev. Prelate of proselytizm, when he had endeavoured to reclaim his tenants, not for the sake of religion merely, but for the sake of civil society, for the sake of the welfare and material interest of the country, from such a system of religion as that? [" Question."] It was the question. If hon. Members wished let them discuss the matter as it was discussed in 1688, when it was declared that the first principle of the Constitution should be Protestantism, and that Romanism, the effects of which they had then experienced more recently than now, should by all possible and tolerant means be discouraged. Was it, then, right that the House should be occupied for two or three hours with a discussion like that because a landlord and a Bishop had endeavoured to exercise his authority as a landlord to reclaim his tenants from the social evils of Rome?—[*Laughter.*]—Well, was it not a social evil when these evictions could not be carried out without police and without putting the country to expense? But it was the result of the education which was given at Maynooth, as he knew full well. It was in precise conformity with the doctrines and principles there taught that the law could not be carried out without the assistance of the police and military. Should the hon. Gentleman go to a division, he (Mr. Whalley) should go with him, in order, if possible, that they might have some principle laid down as to whether the time of the House should be occupied in discussing the relations between landlords and tenants, and especially to see whether it was not the duty of every man in the country, to the extent of his ability, to proselytize and to maintain and extend that Protestantism which was recognized as part of the Constitution.

MR. MAGUIRE: Sir, I do not intend to follow the hon. Member who has just spoken into the horrors of the social evil, or the iniquities of the Scarlet Lady, in dismissing which rather complicated question the hon. Gentleman has not only confounded himself, but utterly bewildered the House. Neither shall I attempt to follow him through the maze of his mental vagaries, which would not be a very useful or profitable pursuit. I assume that the hon. Gentleman had forgotten part of the famous Maynooth harangue, which was to have astonished the House and the country, and pulverized the College, if not demolished Popery in Ireland; and that he has, therefore, thought it right to supplement that magnificent oration by the speech which we have just heard. I can assure that hon. Gentleman that Catholic Members have heard that great as well as that supplemental speech, not only with the most perfect satisfaction, but with a sense of pleasure which it is almost impossible to describe. The hon. Gentleman has taken upon himself to decide on the propriety of bringing questions such as the present before Parliament, and he has gone so far as to designate their introduction "an abuse and an outrage." But I put it to the hon. Member for Peterborough himself, who, if he could only get rid of his nonsense about Popery, would be a useful and, indeed, efficient Member—that is, with respect to small Bills—whether there is any other course left to a persecuted tenantry than an appeal to public opinion, through the medium of this House? Let us really see what the state of things is. We find that the vast majority of the tenants of Ireland are tenants-at-will, that they hold their farms from year to year, and that they can be removed from them at any moment by the owners of the land which they cultivate by their capital and labour. It is a fact beyond controversy that about nine-tenths of the tenants of Ireland stand in this precarious position. Now, I not only admit, but, as an Irishman, I am proud to state, that we have in Ireland numbers of landlords—Protestant landlords of Catholic tenants—who are an honour to their country, and towards whom their tenants display a feeling of clannish attachment and devotion such as cannot be exceeded in any country whatever among a class holding similar relations with the owners of the soil. For such landlords changes in the laws are unnecessary; for not only do they deal with their tenants kindly, humanely, generously, and according to the principles of justice and equity, but they act wisely and prudently by encouraging the industry and protecting the interests of those on their estate; for they well know that the more their tenants are prosperous and contented, the more certain must they be of their own prosperity and that of their estates. But, unhappily, there are landlords in Ireland who entertain different notions of their duties, and who regard their tenants in a very different light; and it is against this class that protective laws are necessary—or, if changes in the law cannot be obtained, that the aid of public opinion is to be invoked. The right of the landlord is clear and unmistakeable. Where the tenant does not hold by lease, the tenant is absolutely at his mercy. If the landlord have 100 tenants, or 1,000 tenants, on his estate, he can, at any moment, or from any motive, whether of caprice, love of gain, or desire of vengeance—clear these 100 or these 1,000 tenants from off his property. If this be so, and it is so, I ask is not the landlord endowed with the most extraordinary powers over the tenant—a power almost of life and death? Then, in case that wrong is inflicted by those who hold and exercise such powers, and that there is no redress to be had in the ordinary tribunals, what is to be done? Public opinion alone is influential in checking the undue exercise of these tremendous powers. In a court of law, save where the law has been violated, the tenant cannot be heard with much practical effect; and if the voice of oppressed and persecuted men is not to be heard in this House, where, in God's name, is it to be heard? There is no Parliament in Dublin—I wish there was; and I confess, for my own part, I would gladly surrender the honour of belonging to an assembly which legislates for and concerns itself with interests that embrace so large a portion of the world—I say I would cheerfully exchange all the honour and glory of forming part of this great Assembly, for the opportunity of devoting all my energies to the improvement and happiness of that country which I love with the ardour and earnestness of one sprung from the soil. But, as there is no Parliament in Dublin, I would look upon the Irish representative as a dastard and a coward who, being a Member of this House, did not raise his voice to proclaim and denounce any wrong to which his humble countrymen had been subjected. It is true, Parliament has no power or authority to restore these unhappy victims of Lord Plunket to their holdings, and to reinstate those against whom this grievous wrong has been done; but it has the influence to check, by the expression of its opinion, the intentions of those who might be inclined to imitate so evil an example. And it is in this spirit that my hon. and learned Friend (Mr. M'Mahon) has brought forward this question. As to this case of Lord Plunket, we have abundant evidence to prove that he has acted harshly and inhumanly towards those people whom he has banished from his property. It has been established by sworn evidence, given before a Judge and jury, that this right rev. Prelate—this Bishop of a Christian Church—this gentleman of high rank and illustrious lineage—has transgressed every principle not only of Apostolic teaching, but of ordinary justice and fairness. No doubt he has acted strictly in accordance with the law of the land; but it is because he has done so that it is necessary to appeal to public opinion against the law as well as against him. The friends of Lord Plunket seek to defend their noble client by attempting to damage the Rev. Mr. Lavelle; and the hon. Member (Mr. Lefroy) stated that Mr. Lavelle had been driven out of Paris—thereby endeavouring to produce an unfavourable impression against him on that account. But the simple part of the case was this—Mr. Lavelle, being a Professor of the Irish College at Paris, had a dispute with the President of that establishment as to its internal organization; and I am authorized to state, on behalf of Mr. Lavelle, that he had the approval of the Catholic Prelates of Ireland for his conduct on the occasion. So much for that accusation. A speech attributed to Mr. Lavelle has been also quoted against him. With that speech, whether it were "incendiary" or not, I have nothing whatever to do, as I know nothing whatever respecting it. If Mr. Lavelle speaks as a freeman ought, he is entitled to every protection; and if he transgress the law, there are those who can take cognizance of his indiscretion. But the question is not as to whether Mr. Lavelle was driven from Paris or not, but whether this Bishop of a Christian Church did turn out the people or not? It is not whether Mr. Lavelle spoke a certain speech or not, but whether this Protestant Prelate exercised his enormous power as a landlord for an unworthy purpose? My hon. and learned Friend mentioned only twelve cases of evictions; but there have been twenty-eight cases; 165 people having been turned out within the last five or six years by the right rev. Prelate—all of them with the exception of a few families who had been evicted by a near relative of his. It has been asserted that these persons who were evicted had no children—no children of a sufficient age to be sent to school—no children of such an age that the proselytizers would desire to get hold of them. In justice to these proselytizing gentry, it must be admitted that they are not at all particular, and that if they cannot procure a child of eight, or ten, or fourteen years of age, an infant of two will answer their purpose—which is to make a show in their schools. If there were no children, then the charge against Lord Plunket at once falls to the ground. But were there no children? If there were no children, why the "earnest desire" that they should be sent?—why the repeated applications to their parents by the agent, the missionary parson, the bailiff, and the daughters of Lord Plunket? It is said that the people last evicted had no children. That statement is entirely unfounded. The direct opposite is the fact. When these poor people were expelled from their homes in that merciless weather, by a more merciless act, there were seen hanging about them children of all ages, who had to follow their wretched parents into desolation and misery. Over and over again the representatives of Lord Plunket called upon these Catholic parents, importuned them, besought them, threatened them — used every influence to induce them to send their children to his schools, the avowed object of whose teaching was to make them Protestants. The evidence of the Rev. Mr. Townsend is conclusive as to the object in obtaining these children. There was no disguise whatever about it. The mothers of the children were in the habit of resorting to all sorts of expedients to escape this shameful persecution. Sometimes the child was hidden behind a box, at another time under a bed, at the approach of Miss Plunket and the Scripture readers, and one child narrowly escaped suffocation in consequence. It was proved that the Rev. Mr. Townsend went to poke with his stick under the bed to discover if any juvenile recusant were there concealed. Before I give evidence—sworn evidence—upon this question of the children being sought after by Lord Plunket and his agents, I may allude to the striping of the land, which has been given as the alleged reason for these evictions. Now, what is the fact in reference to these twelve cases? With the exception of two holdings, all the rest had been striped for several years before. Here, in this single fact, is the answer to that alleged reason for demanding possession. At the trial at Galway eighteen witnesses were examined on Mr. Lavelle's side to prove this system of proselytizing by threats of extermination. Mr. Lavelle had sixty witnesses to prove to the same effect; but the Judge and jury were wearied with a trial that had extended over six days, and only the number I mentioned were examined. Lord Plunket was present, looking down from the Bench on many of the victims of his landlord cruelty; and his agents, of all kinds, were likewise present. But not one of them was able to answer the main allegations of those poor people. [The hon. Member then read extracts from the evidence of several witnesses, in corroboration of the facts he had before stated; and then proceeded]—I could multiply these facts to show that the landlord's agent, the bailiffs, the proselytizing minister, the daughters of Lord Plunket—in fine, every one who had authority or influence over the people—came to them, over and over again, to induce them, by threats as well as by persuasion, to send their children to schools which, according to the sworn admission of the Rev. Mr. Townsend, were intended, by their teaching, to make Protestants of them. What did Lord Plunket say, in reply? He said "I expressed my earnest desire that my tenants should send their children to my schools." His "earnest desire!"—the "earnest desire" of a man who had the power of life and death over these poor helpless people. Of course, charges are now trumped up against the unhappy victims of this merciless system—this system of fraud and tyranny. One of these tenants was found guilty of an assault. What was the origin of this assault? A Scripture-reader went one day into one of the cottages, and seeing a scapular—which is a symbol of a particular devotion—suspended from the neck of the woman of the House, he rushed at her, told her that it was an emblem of the devil, and tore it from her bosom. The woman struck him, and her son afterwards punished him for this ruffianly outrage; and I think those who hear me will agree with me when I say, in the language of a certain finding of a jury—"Served him right." We are told not to judge of Lord Plunket's motives. But the motives cannot be mistaken; they lie on the surface, and are patent to all men. Here is a grand fact—every tenant evicted was a tenant who refused to send his or her children to the proselytizing schools, while all those who yielded, and sent their children, have not been disturbed. When Mr. Lavelle came to Partry he found the Catholic chapel almost empty, and the Catholic school without children; but being a man of energy and zeal he set about remedying such a state of things, the result of which is that his chapel is crowded with pious worshippers, and that his schools are filled with children whose faith is protected against the base and dishonest artifices of the proselytizer. Hence the enmity to Mr. Lavelle—hence these evictions. Mr. Lavelle would have failed in his duty if he had not acted as he did. A Protestant clergyman, under similar circumstances, would have done the very same. It has been said that Lord Plunket had a right to preach the doctrines of his church, and endeavour to win converts to his creed. That I do not deny. On the contrary, I admit it. Let him preach on the highway if he please, provided that he does not provoke to a riot thereby. There is, however, a more suitable and a more potent way of preaching his doctrines—by the gentleness of his manner, by the beneficence of his acts, by the virtue and holiness of his life. But I hold it is contrary to the principles of justice, of liberty, and of Christianity, that Lord Plunket should wield his enormous power as a landlord against these unhappy people, not to make them converts to his creed from a sincere belief in the truth of Protestantism, but to make them liars and hypocrites, sacrificing their unfortunate offspring for some temporary gain. The whole system is one of the meanest imposture and of the most fiendish cruelty; and what I desire to elicit is some generous expression of opinion by some influential English Member against any attempt to propagate religion by such abominable and iniquitous means. The greatest misery and wretchedness are inflicted upon the humbler classes of the people of Ireland by this madness for proselytizing. I know of a striking example of it in my own county. In a certain rural parish of that county the priest and the parson lived together on terms of neighbourly kindness and Christian amity. Each respected the other, and the other's faith. In works of charity and kindness they were sure to be found associated together; and in the hour of emergency, when their people suffered from any cause, the united appeal of these two worthy ministers of the Gospel was irresistible in their behalf. In the fulness of time it pleased God to remove the worthy Protestant clergyman from his earthly labours, to the grief of the priest and his flock. The successor was a man of a different stamp, and was one of those who happened to be in connection with Exeter Hall, or one of its missionary and aggressive associations. Soon after his arrival peace fled from that once quiet parish, and hate and discord prevailed. The fruits of his zeal were visible ere long in riots on the highway, in prosecutions at petty sessions, quarter sessions, and even at the assizes; and for years this wretched locality was torn asunder by strife, malice, and hate, disgraceful to a civilized community, and degrading to the name of religion. It has been said, in vindication of Lord Plunket, that he has 175 Roman Catholic tenants still on his estate. My answer is his Lordship may not find it over convenient to eject them; for not only would such folly be sure not to pay, but he may not desire to brave public opinion farther than he has already done. Mr. Lavelle has been stigmatized as a "priestly agitator;" but Mr. Lavelle was bound to defend his people, and to protect their faith; and it is not because a priest is a minister of religion that he loses his rights as a citizen on that account—and, in my opinion, the clergy of Ireland would be guilty of a dereliction of duty, as citizens, if they did not appeal against laws which oppressed and demoralized their people, or if they did not seek redress for such flagrant wrongs as that which Lord Plunket has inflicted on the victims of his power. If the tenants of Ireland do not pay their rent honestly, then there is a law to compel them to do so; but there should be no authority given to coerce their conscience. I yield to no man in the feeling of reverence which I entertain for the great name borne by Lord Plunket—I honour the memory of the illustrious man who made that name famous. I am proud of his glorious genius, and prouder of the still more glorious use to which it was directed; and, therefore, my regret is the deeper when I see a degenerate son of that great man practically repudiating every one of those principles which his illustrious father so eloquently proclaimed, not alone for the guidance of his own time and country, but for that of the world and posterity. Sir, I call upon this House not to be guilty of the folly, the insanity, of refusing to listen to such an appeal as is now made to it. Do not close your doors or shut your ears to the recital of wrongs such as have been described. Let no feeling of impatience or annoyance, let no considerations of momentary convenience prevent you showing that you are not indifferent to evils which inflict misery upon the poor and the helpless. This, I say, is the right place, and the only place, where an appeal against legal injustice can be made with a hope of advantage, and I beseech the House to listen to the appeal now made on behalf of a suffering and a persecuted people.

Mr. WHITESIDE: Sir, this Motion is one of considerable importance, because, unless the House interposes to check such Motions, it will find itself involved in great difficulty, and it will become what the late Mr. Drummond styled it in reference to a similar Motion, "a tremendous Inquisition." Mr. Drummond made use of this observation on the occasion of a Motion made by the hon. and learned Member for Wexford some time ago, under similar unfortunate circumstances in connection with the conduct of Mr. Pollock, who had bought a large property in Ireland, and had made some useful and permanent improvements upon his estate. The hon. and learned Member for Wexford brought that gentleman under the attention of the House, and entered into a statement in which he described the number of tenants that he had evicted and expatriated. But what turned out to be the facts of that case? The very tenants who were said to have been thus persecuted had actually signed a paper expressive of their gratitude to Mr. Pollock for his generous conduct towards them. The hon. and learned Member for Wexford, in the face of the real facts of the case, excused himself by saying, that that part of the country with which he was connected being situated at a great distance from the scene of those alleged occurrences, he was not thoroughly acquainted with the facts, and he proceeded to make the best justification he could for his unwarrantable attack upon a gentleman who was deserving of the highest commendation. Well, what difference is there between that Motion and the present one? We have heard of sixty or seventy ejectments brought by Lord Plunket against his tenantry. His tenants, however, did the same thing as the tenants of Mr. Pollock had done. They had some difference with their landlord; but they addressed their landlord in the following terms:—

> "TO THE RIGHT HON. LORD PLUNKET.
>
> "Castlebar, March, 12, 1860.
>
> "We, your Lordship's tenants in this present ejectment, feel much grieved at being in a position antagonistic to your Lordship. It is not, nor ever was, our wish to interfere with your Lordship's rights on your property. We now beg to leave ourselves entirely in your Lordship's hands, and to withdraw all further defence."
>
> (Signed by all the Defendants.)

Upon receiving this memorial Lord Plunket directed his counsel (Mr. Robinson) to take the opportunity of stating in Court that it was not intended to evict any of those sixty cases, with the exception of fourteen, affecting individuals who had been concerned in serious infractions of the law of the land, or of the rules of the estate. The truth is that those persons were advised not to quarrel with their landlord when they had no defence. The Bishop then offered to restore all those persons to their holdings except such as he felt he had serious charges against. I distinctly say that a more unjust and studious misapprehension of the facts cannot be made than to say that sixty or seventy families had been evicted. It appears that Lord Plunket had a very worthy man, a ploughman, in his employ. This unfortunate man, for no other offence than that he was Lord Plunket's ploughman, was shot dead at his own door. The House will judge of the nature of this circumstance by the following facts:—The family of a man named Lally was the first evicted. The Bishop I admit was inexorable as to this man—he said "Tom Lally, the son, stands at present charged with having been concerned in the murder of a poor man of the name of Harrison who had been employed by me as a ploughman." I rather think that the Crown had directed a prosecution for the murder. The evidence against the accused was that he was seen close to the spot where the murder was committed, and that on the ground was found the piece of paper which had been used in loading the gun; on it was written the name of Thomas Lally; and in a box at the head of his bed was found the sheet of paper from which it had been torn; and also in the same room the gun recently discharged. This, you will see, was rather suspicious evidence against him. I should certainly like to live out of reach of Thomas Lally's gun. The case came on for investigation; but as it could not be proved that Lally had actually fired the shot, he was admitted to bail, and the case was ordered to stand over until further evidence was procured. When the case came on at the assizes the counsel for the prisoner applied to have his client admitted to bail. The House will, no doubt, be startled to hear that the Rev. Mr. Lavelle, the Roman Catholic priest of Partry, came forward as his bailsman and stood security for this man. The hon. Member for Dungarvan (Mr. Maguire) must admit that in each of the cases of evictions there was a distinct accusation of crime, of one sort or another, brought against the evicted persons. The facts of the case of Prendergast, in the words of his agent, are these:—"It is now about two years ago since Lord Plunket resolved to remove Prendergast and his family from the estate in consequence of the part which his son had taken in the illegal proceeding of removing the stones of Miss Plunket's house. In common with others he took defence, put Lord Plunket to great expense, and vexatiously summoned him and his daughter to appear as witnesses at Castlebar. When upon that occasion the tenants yielded an unconditional submission, Prendergast and twelve other tenants received notice that they would be evicted in November. They were thus given six months to prepare for their departure. But when November came, instead of yielding peaceable possession, they compelled Lord Plunket to resort to forcible eviction. It was upon this occasion that, just as Prendergast was about to be evicted he was permitted by Lord Plunket, at the request of a friend, to remain upon the estate, on the condition that when a farm should be provided for him upon another part of the property he should leave his present holding. To this arrangement he then gladly and gratefully agreed. Since that time, however, it appeared that other influences had been brought to bear upon him. When the time for moving to the new holding arrived, he refused sturdily to go, asserting that he would not accept the best farm on Lord Plunket's property. He felt, no doubt, that it was more advantageous to his interests to be evicted and a martyr, as it were, in the cause." But a further charge was made against Lord Plunket, that he had evicted those tenants in the month of November. He did so at that time—but why? The tenants had sown their seed crops. They had been served with notice eight months before; but Lord Plunket allowed them to remain until November, because, as he humanely said, as they had sown the seed they should reap the crops. Well, what is the grievance? The grievance is that these tenants walked out of their buildings in November, owing one and a half year's rent each, and taking with them their crops. My notion of Lord Plunket as a landlord is this, that a kinder-hearted and a better man does not live. The hon. Member for Dungarvan said that these tenants had been evicted because they had refused to send their children to Lord Plunket's schools. Why, what was the fact? Not one of those twelve families evicted had any children fit to send to those schools. As to the Rev. Mr. Lavelle, he, no doubt, had a perfect right to fill his church and his school by every means in his power. Now, I do not believe that in Her Majesty's dominions there is to be found a speaker who can express himself with more force than the Rev. Mr. Lavelle. I understand that the rev. gentleman sometimes displays his eloquence in the shape of appeals to the Irish people to relieve themselves from what he calls English connection and English tyranny. I believe, too, that he has been a professor in the Irish College of Paris. But the laws of France are rather sharper than those of England. I once met the rev. gentleman who was at that time at the head of the college. I met him on the occasion of the late Mr. O'Connell's departure for Italy. The rev. Dr. Miley was the gentleman to whom I allude. Dr. Miley whilst at the head of the College referred to, had, unluckily for him, the rev. Mr. Lavelle as a professor. The House may form a judgment of the peace and happiness of the College with a professor of such literary ability and warm temper as the rev. Mr. Lavelle. Differences arose between him and Dr. Miley. At length it was determined that one or other should go. Mr. Lavelle said, "I will not go." Under those circumstances an order was given on a certain day by Dr. Miley to the porter not to admit Mr. Lavelle into the College when he should return from a walk. Mr. Lavelle having presented himself at the door about eight o'clock in the morning, was informed by the porter that he could not be admitted. Mr. Lavelle insisted upon his right to enter, and suddenly darted down the street. In a few minutes he returned with a ladder, and before the President of the College or the porter could prevent him he ascended the wall and leaped down inside, and thus again was entrenched within the premises. As soon as Dr. Miley found he was within the building he consulted the Minister of Education. The Minister of Public Instruction sent a polite message to inquire of Mr. Lavelle whether he intended to persevere in his intention to remain against the command of his superior. On Mr. Lavelle replying that he did, the Minister of Public Instruction communicated with another gentleman of considerable authority—the Prefect of Police. He sent a *hussier* to invite Mr. Lavelle to leave; but he preferred to stay. The Prefect then drew out a paper, which, after referring to several articles of the Code, stated that for the preservation of public order it was necessary Mr. Lavelle should quit Paris within two hours. Mr. Lavelle then left France, when he could no longer remain there, and, unfortunately for the peace of mind of Lord Plunket and the tranquillity of his estate, settled himself down in Partry, and from that moment, with admirable skill, contrived to keep the place in hot water. Now, as to the question of education, it should be recollected that the Roman Catholics possessed about eleven-twelfths of the grant given for the education of all classes in Ireland. Surely, then, the Bishop of Tuam had a perfect right to establish a school at his own expense for communicating religious instruction in the way he thought best. Mr. Lavelle had succeeded in emptying the Bishop's school; but he hoped he would not succeed in inducing the House to listen to a Motion that was totally destitute of foundation, in point of fact, and contained no principle that could justify the House in adopting it. He believed the object of the Motion was to terrify landlords from taking any proceedings against their tenantry that might not be approved by those who exercised an authority over them to which they had no right by law. He wished the House not to suppose that there was a great quarrel existing between Irish landlords and their tenants; on the contrary, an agent with whom he had travelled told him that, instead of running after the tenants for the rent, they now came forward to pay it. The tenants were as a class meritorious and industrious, and were living on the best terms with nine-tenths of the gentry, who were recovering that consequence to which their position entitled them. For his own part, he detested ejectments without good cause. In the north of Ireland they were almost unknown, and the tenantry were prosperous and comfortable. He wished them to be equally so in the west, and he was quite sure the kind-hearted people of that district would get on well with the Bishop and the gentry of the country if they were not stimulated into a course of conduct which brought them into trouble and did no possible good to the country.

Mr. CARDWELL: The right hon. Gentleman has, with his usual ability, contrived to make an amusing speech on a subject which is of the most painful description to every one else. I wish to confine myself strictly to the question before the House, which is, whether this House will grant a Committee to inquire into the case that has been brought before them. Of the main facts there can be no doubt.

That Lord Plunket is an amiable man is known to all who have the advantage of his friendship. That he has spent large sums on the improvement of the district is known to all who are acquainted with that part of the country. That he and his friends have been zealous promoters of conversion to the Protestant faith of the Roman Catholics in the district is also true, and the result which unfortunately so often happens in Ireland under these circumstances followed in this case. In particular, during the last three years, since Mr. Lavelle has been settled in the district, a state of society arose deeply painful to those who are entrusted with the peace of the country; and at last a murder—the murder of Lord Plunket's ploughman—led to the application of the extraordinary powers entrusted to the Executive for the preservation of the peace. But I must say that there is no resemblance between this case and that which was discussed a few evenings ago, for there is here no charge of Ribbonism. In the case of the Derryveagh evictions there was a wholesale ejectment of families on general grounds, without any personal application to any of the families evicted. In the case now before us it is charged on the one hand that all the evictions took place because the parents declined to send their children to the Protestant schools. On the other side that statement is met by a pointed and explicit declaration by Lord Plunket given on oath. ["No!"] I am speaking from a newspaper account of the trial where Lord Plunket was a witness, and where he made a statement on oath that no one of the persons evicted was evicted for this reason. This House has not the power to administer an oath, and if it had I do not think it would be disposed to exercise it in the present case. Would there be any use, then, in appointing a Committee to hear these motives ascribed to Lord Plunket on the one side, and to hear his Lordship on the other repeat the statements which he had already made in a more solemn manner, denying them, and which he has since reiterated in his published letter to Lord Cowley? Every argument that had weight against the Motion for inquiry the other evening had increased force now. Such an inquiry would be wholly without profit; it would not tend to elevate the character of the House; but it would make the House for the first time usurp the functions of the tribunals in a way that had undoubtedly never been done before. The powers of this House are without limit; but they are limited by our own sense of discretion and guided by the precedents of former generations, and I believe that no precedent can be produced of the House having acted in a manner so contrary to its functions, and so inconsistent with its prudence. I feel I shall best discharge the duty which devolves upon me by avoiding all discussion on the details of this most painful case. The feeling I entertain is one of deep regret that our common faith should become, not the cement of cordial union and good-will in this district, but a cause of discord and strife. I should deeply regret if one word were to fall from me tending to increase those feelings, and happy should I be if the discussion in this House, and the expressions of feeling which have come from both sides, were to reach that district, and tend to the restoration of unity and concord in that portion of the community.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 66; Noes 15: Majority 51.

Question again proposed, "That Mr. Speaker do now leave the Chair."

FRANCE AND SWITZERLAND.

QUESTION.

MR. KINGLAKE said, he rose to ask the Secretary of State for Foreign Affairs, What progress has been made towards effecting those "full and adequate arrangements" which, in Her Majesty's Most Gracious Speech addressed to the Houses of Parliament in August last, were expressed to be confidently looked forward to as the means for "securing the neutrality and independence of the Swiss Confederation;" and whether (pending the Negotiations referred to in Her Majesty's Most Gracious Speech) the continued occupation by France of Territories which have been declared to "form part of the neutrality of Switzerland" is sanctioned by any Provisional Agreement or understanding between the guaranteeing Powers? The hon. Member said, that if he had for a long time abstained from bringing this subject before the House it was not because there was any inclination on his part to desert the duty he had undertaken, nor from any belief that the subject had by any means diminished in importance; but he had remained silent because the declarations of Her

Majesty's Ministers in the course of last Session coincided with the views which he entertained; and, therefore, he left the matter in the hands of the Government. He acknowledged that he knew of no act done, or words spoken or written, by Her Majesty's Ministers which should lead him to withdraw his confidence in them; but, considering that eleven months had now elapsed since the House had received any authentic information respecting the negotiations, and that during that interval France had remained in occupation of that territory which was the subject of dispute, and, considering the silence he had hitherto maintained, he thought he was justified in now venturing to call the attention of the House to the matter. He would endeavour to deserve the indulgence of the House by abstaining with great care from going again over the ground of last year; but it would be necessary, in order that he should be intelligible, that he should remind the House on one or two points. He would remind them, in the first place, that at the close of last Session the Royal Commissioners declared that Her Majesty confidently trusted that adequate arrangements would be made for maintaining the neutrality and independence of Switzerland. In 1815 arrangements were made, in terms not perhaps very grammatical but perfectly clear, by which it was declared that the provinces which were the subject of his Motion should form a part of the neutrality of Switzerland. Under these arrangements, it was provided that when war should actually occur, or even be imminent, the Sardinian troops should march out of this territory, and that the Swiss should be competent to occupy them with their own troops. In fact, the peculiar position of these provinces might perhaps be best understood by saying that, although for mere municipal and domestic purposes they were a part of the Sardinian Kingdom, yet, for what might be called European purposes, they were a part of Switzerland. That arrangement was obtained by Switzerland for her own benefit, as the result of earnest entreaties addressed by her to the English Minister of that day. It was most favourable to her, because she had a comparatively weak Power for her neighbour; and for all practical purposes she was as well situated as if those provinces had actually belonged to her. This being the case, Switzerland having this benefit provided for her, and being also entrusted with the duty of maintaining the neutrality of those provinces, as well as the neutrality of her own States, it was obvious that neither her right nor her duty could be annulled by any transaction to which she and the Great Powers of Europe were not parties. That was the view of the whole of Europe; because, when the Emperor of the French entered into the Treaty of Turin with the King of Sardinia, he acknowledged in very fair terms that he had no right to acquire that territory, except upon the same conditions as Sardinia held it. The contracting parties went on to say that it would be the duty (*l'appartiendra*) of the Emperor of the French to come to an understanding on the subject, both with the Great Powers and with the Swiss Confederation. It became important, therefore, with a view to the restoration of that tranquillity which had been disturbed by the annexation of Savoy and Nice, to see whether it was possible in any way to reconcile the acquisition of the main part of those provinces with the rights of both Switzerland and of Europe. It would have been easy for the Emperor, by giving up to the Swiss Confederation those provinces, or even the portion of them required to give Switzerland a good military frontier, to have done much towards allaying the indignation occasioned by the act of annexation last year. At one time, indeed, it was supposed that that would have taken place. The Emperor of the French, as they all knew, promised that these provinces should be given to Switzerland. That promise was afterwards withdrawn; but still it was hoped that a mere belt of mountains—which would have answered the purposes of Switzerland without in any way hurting the frontier of France—would have been conceded to Switzerland to replace her in the position she occupied before the Treaty of Turin. Such was the posture of affairs last year. It was then felt in this country that, if matters were allowed to remain in the condition to which that treaty had brought them, Switzerland would be grievously damaged; and he regretted to say that all the gloomy anticipations last year entertained on that head had been realized. Alarm and anxiety, varying in intensity from time to time, prevailed in Switzerland, and especially in that part which the French journals were beginning to call French Switzerland. The manner in a which that country was affected by the late change in the map of Europe was very intelligible. In the first place those provinces which used to be the most valuable barriers for Switzerland had been converted not only into no barrier at all, but into what might be accurately described as the hostile lodgement of a great Power. The result was that the cantons of Geneva and Vaud were so hemmed in that their position became, as it were, paradoxical. They had France on all sides of them. Moreover, the inhabitants of Chablais, Faucigny, and Genevois were by the Treaty of Turin converted into Frenchmen. They were actually French subjects. It so happened that a very large portion of the inhabitants of Geneva were persons who had been born in those provinces; and the consequence, was that there having been a very large body of Frenchmen resident in Geneva, the number was now enormously increased by the operation of the Treaty of Turin. Any one who knew the configuration of the country would readily understand that there must necessarily be a very strong attraction continuing between Geneva and the inhabitants of those provinces. It would be recollected that in the course of last year an earnest effort was made by the people of Chablais and Faucigny to become annexed to the Swiss Confederation. That effort failed; and the result of the existing state of things was that the very men who had been the most anxious for annexation to Geneva, having themselves been annexed to France, were for the very same reasons now anxious to draw Geneva to themselves, and bring it into the same strait in which they themselves were placed. There was another difficulty caused by this treaty to which he wished the more to direct attention, because since he last had the honour of addressing the House there had returned something like French statesmen. Opportunity had been given for discussion, of which in former years France had been deprived; and, as the view which he was now about to take was the one most important, he would not say to the Emperor, but to France and the French people, he trusted it would receive the consideration it deserved. Look how the arrangements for the neutrality of those provinces would operate if nothing were done by the French Emperor. As matters stood before, the configuration of the country made it quite certain that the provisions of the Treaty of Vienna would be literally executed—because it was practically impossible for the King of Sardinia, even if he wished, to retain provinces situated like Chablais and Faucigny; and he must, therefore, have marched out his troops whenever war was imminent. But, supposing nothing was done, he entreated the House to reflect on what would be the operation of those stipulations which the French Emperor admitted to be binding. If war between neighbouring Powers should break out or should impend, what would be the duty of Switzerland? It would be to maintain the neutrality of those provinces. In case of war it would be the duty of Switzerland to call on France to evacuate those provinces, and to allow the Swiss to march in. But did any man believe that that was a stipulation which would or could be acceded to by the Emperor of the French? Did any one imagine that at the call of Switzerland he would march out of a territory which he alleged to be French? If he did not do so what would be the duty of Switzerland? Why, to attempt to make him by force of arms. Of course, that would be quite impossible. It would be preposterous to ask Switzerland to attempt it; and if she should not do it, what would be the consequence? That Switzerland would be in default towards the other Powers of Europe, who would be entitled to say, "Swiss neutrality has ceased:" the moment it was declared to have ceased for one side it would cease for the other; and the object which was so sedulously sought to be gained by the parties to the Treaty of Vienna would be for ever defeated. He believed that Swiss neutrality was an object more important to France than to Austria, or any of the German Powers. When they remembered that in 1814 it was by violating the Swiss neutrality and entering Franche Compté that Prince Schwartzemberg invaded France, every one would see that the neutrality of Switzerland was no less valuable to France than to the German Powers. He hoped, therefore, that this consideration would weigh with Frenchmen and that they would be disposed to influence the Emperor, so far as they could, towards rendering justice to Switzerland and reconstituting that neutrality of Switzerland which had been shaken and tampered with in the manner he had described. He was sorry to say that since the Treaty of Turin much been done towards increasing the anxiety felt in the canton of Geneva, and that by many a new annexation to France was believed to be inevitable. It was said that in order to obtain votes persons known to be in the French interest had come into that canton as settlers; and that the fatal words "universal suffrage" had been again pronounced. The House might know, as a matter of common report, that a French Prince whose name was familiar to them had gone so far as to say that before long French Switzerland, as he called it, would be annexed to France, and that it would be annexed to France on its own petition. Those and other cries might appear slight when taken separately, but when taken together they were of considerable moment, more especially when looked to with the light afforded by the transactions of last year. The Emperor of the French must pardon him when he said that he felt it his duty to consider all his actions and all his words with constant reference, not to the mere fact of the annexation of Savoy and Nice, but with constant reference to the particular process by which that operation was effected. Well, now, taking that formula of the annexation of Savoy and Nice as his guide, he found we were now in what we might call "the denial stage." We were in the stage in which it would be formally denied that there was any intention to annex to France any portion of French Switzerland. Ascertaining that we were now in the denial stage, he ventured, following up his formula, to ask what would be the next? and his guide told him that the next stage would be that of solemn assurance that there would never be any annexation of French Switzerland to France without consulting the great Powers of Europe. The stage following that would be an actual annexation, accompanied by a mere statement of the fact to the great Powers of Europe, and perhaps a despatch to the noble Lord the Foreign Secretary; after which, when the noble Lord imagined himself to be consulted, and proceeded to give his reasons for thinking an annexation should not take place, he would be told that the discussion was one which could have no practical effect. He had never desired to occasion unnecessary alarm, and he was glad to be able to state that in this instance, so far from being an exciter of alarm, he ventured to think that the words which would come from him would rather have a contrary effect. Notwithstanding all those reasons for anxiety which he had ventured to refer to, it was not his belief that this annexation would take place;—but in saying that he must also express his belief that if it did not take place it would be prevented by the firmness of England. But for the firmness of England he would despair for Switzerland; but his opinion was that if the policy which Her Majesty's Government had hitherto adopted was continued with firmness the evil which many anticipated would not take place. The treatment which Switzerland had recently undergone at the hands of France had been accompanied by a very singular statement on the part of the French Government. It was alleged that in some of the communications on this subject to the Swiss Confederation the French Government distinctly stated that but for the interference of England, in endeavouring to prevent the annexation of Savoy and Nice, the Emperor of the French would have kept his promise, and ceded Chablais and Faucigny to the Swiss Confederation. What principle was this? That because England interfered a promise to Switzerland should be violated? What violence, what lawlessness, and, at the same time, what miserable weakness was implied in such a statement? The statement was unjust to Switzerland, and it was offensive in a high degree to England. He hoped that among the papers which the noble Lord would be able to give him was a despatch said to have been written by Captain Harris; and he further hoped that the noble Lord would make a statement which would satisfy the House that if a charge of so serious a description had been made it had been met in the way it deserved. It was admitted by every one—by the French Emperor as emphatically as by others—that some arrangement must be made with the great Powers. England had declared more than once that the present state of things was inconsistent with the public law of Europe. By the Speech from the Throne at the opening of the present Session they were led to expect that negotiations would be entered into on the subject. The Emperor of the French had said that Savoy and Nice were irrevocably annexed to France. He thought he went somewhat further, for, after giving a statement of the principles of the maintenance of rights and the generosity on which the Government had acted, he said, "Thus it is that Savoy and Nice are irrevocably annexed to France." At the same time there was laid before the Chambers a volume of despatches, compiled somewhat in the way that blue books were supplied to this House; and there was among these papers a despatch of so singular a description, as far as concerned Her Majesty's Government, that he thought it right to read a passage from it to the House, which he would do without comment, leaving to Her Majesty's Ministers to make what reply to it they thought proper. The despatch to which he referred was a circular addressed to the diplomatic representatives of France in all the Courts of Europe, dated the 30th of April, and it stated that the Government of the Emperor thought it important to enlighten the English Cabinet on the consequences of the annexation of the Italian provinces to Sardinia, and the connection it would have with Savoy and the county of Nice. The Ambassador of the Emperor entered into explanations on this subject, in the most positive terms, at the beginning of December. Not only had the Government of the Emperor no intention to conceal from the Ministers of the Queen their opinion on this subject, but Count Persigny had on his responsibility put forward the idea that England herself should propose to Europe this transference of Savoy to France. Now, that was so singular a statement that he had thought it right to draw the attention of the House to it; for they had always been told and believed — he was sure he now believed — that Her Majesty's Government had lost no opportunity of stating in the most express terms that they entirely disapproved, and that they would not for a moment listen to, the annexation of Savoy and Nice to France—not that they were perpetually saying this, but they would omit no fair opportunity of saying that was the case. Yet here was this strange statement by M. Persigny that the communications with the English Government were constant, and that they had gone to such a length—the House would see how much was implied in the statement—that M. Persigny had thought it right to suggest to the noble Lord that he himself should take the initiative and propose to Europe the annexation of Savoy and Nice to France. The diplomatic representative of France was ordered to read the despatch but not to leave a copy with the Ministers of foreign Courts, and, therefore, naturally it formed no part of the papers laid before the House of Commons. Now, so far as he was able to see, there remained this state of actual antagonism upon this subject between the Governments of France and England, and if that was so he must own he was not surprised to find that in France there was considerable stagnation of commerce. It would be strange if commercial men entered upon their enterprises at a time when this antagonism between two great Powers of Europe was actually ascertained to exist. As he understood it, he should say the policy of Her Majesty's Government was extremely well fitted for the peculiar occasion. At a time when a certain disturbance of the existing state of Europe was from time to time threatened, it was of great importance that there should be something like an intermediate state between perfect acquiescence and that greatest of all miseries, actual and flagrant war. Therefore, he thought that Her Majesty's Government did wisely in determining that when the French Government had, if he might so speak, dislocated the European system in such a way as not necessarily to force on England the duty of an appeal to arms, yet still in a manner so serious that acquiescence would be culpable —that deviation from the true course should be so manifested to Europe upon the authority of the English Government, that what France might gain in position she should lose in credit, and that the distrust which such a transaction was calculated to excite should be proportioned—more than proportioned—to the advancement she gained. Well, now, the papers which he was anxious to obtain, if there should be no objection, were of three kinds—first he wished any papers relating to the negotiations referred to by Her Majesty's Speech of last year. If the probability of attaining the result to which Her Majesty then looked forward had ceased, the means by which the Government attained to that knowledge must, he supposed, have some trace in writing, and if so, as he understood no negotiation was pending, he hoped there would be no objection to produce that class of papers. Then he should also be glad to receive papers respecting M. Thouvenel's circular of the 30th of April. Thirdly, he wished Captain Harris' note, and any other papers relating to the same subject. If the Secretary of State led them to think that there was not altogether a failure of all hope that something might be done by negotiations between Switzerland and France, he must say he believed that within a few days—on Monday last, he could answer for it—there was no prospect of effecting anything like a beneficial result by that means. If he were asked at what practical result he aimed in putting this question, he would say his object was to shut the stable door before it was too late by calling attention to the danger in which the Swiss Confederation was placed. He should be the very last person to press on Government the fruitlessness of negotiation if he saw the way to any practical result; but if there was nothing of this kind to be relied on—if they were to remain at arm's length—if after hopes had been raised by Her Majesty's Speech in August last nothing was to be done—if the Government were to do nothing, the responsibility of private Members of Parliament would begin; and he for one would certainly think it his duty, if nothing were done to carry out the policy of Her Majesty's Government as declared last year, to throw on the French Emperor the moral responsibility of the situation, and extend that circle of distrust which was fast gathering around him.

SIR ROBERT PEEL: I cannot say with my hon. Friend that I have not addressed the House before this Session, but I trust the House will allow me to offer a few remarks on a subject in which I have taken a great interest before the noble Lord rises to reply. The House will not, I am sure, grudge the time necessary for a brief discussion of this important question, which has excited very great alarm both in this country and on the Continent, and which, it is admitted by Her Majesty's Government, has imperilled the peace and security of Europe. My hon. Friend is right in saying that this is the first time this Session that we have ventured to bring the independence and neutrality of Switzerland before the House. But this has been, not because we believe that the subject is of less importance than it was last year, and certainly not because we believe the House of Commons will manifest a less generous spirit than it did last year, but because we have been desirous to avoid recrimination, to manifest a spirit of conciliation, and because we have been in the hope of meeting reciprocal assurances on the part of the Government of France. I think Her Majesty's Government will admit that we have been disappointed in that hope. There are a very few in this House, and I hope not many in the country, who maintain that England ought not to occupy herself with the affairs of the Continent. There are also some—but I trust they are not many—who may think that the treaty stipulations in which this country may have engaged are of no importance. I believe, on the contrary, that we are as much consulting the real interests of this country in taking up a question of this kind in a fair, liberal, and honest spirit, as in considering anything that can happen to the country. I must say I deplore on public grounds—I say nothing of my own personal feelings in regard to Switzerland—this series of annexations that is taking place during the rule of the noble Lord the present Foreign Secretary, to the positive detriment of the trade and commerce of this country in one place, and to the destruction of our honour and interests in another. I think that once this Session we ought to bring the subject under the notice of the House. My hon. Friend has alluded to two subjects. First, he adverted to the influence which the annexation of Savoy has had by the augmentation of the territory of France; and, next, he alluded to the influence of that annexation on the independence of Switzerland as guaranteed by the great Powers. These are the two views discussed by the noble Lord, the Foreign Secretary, in his circular of last year to foreign Courts. My hon. Friend has touched on the events of 1815, in which I will not follow him. I regard the annexation of Savoy to France as a *fait accompli*—there is no use, therefore, in discussing with France her past policy with Sardinia;—but in regard to Switzerland we are bound by treaty obligations to Europe, and by the prestige and honour of our own character, to consider the question in a public spirit. Her Majesty's Government told us at the close of last Session that they were going to enter into negotiations with France; but I am bound to say that if the Government have been disappointed in the expectations held out last August in the Speech from the Throne as to what they hoped to be able to accomplish with regard to the neutral provinces of Switzerland, the blame and the responsibility must rest entirely with them. From the very earliest time I have followed this question throughout, I have read all the documents published, not only in this country, but by the French Government and that of Switzerland; and I am bound to say that Her Majesty's Government, in their treatment of this question, so far as Switzerland is concerned, have acted to my judgment with the ability and the spirit that I expected from them. The noble Lord the Foreign Secretary has written several despatches, which may be found in our blue books, of remarkable interest. I would refer more especially to his despatches dated April 24, May 15, and July 18 of the present year, which both here and in Switzerland are considered honourably to represent the opinion of this country. In his despatch of the 24th of April to Lord Cowley, the noble Lord the Foreign Secretary remarks on the French arguments respecting neutral Savoy, and ably recapitulates the views of Her Majesty's Government as to the manner in which the question might be settled to the satisfaction of Switzerland and Europe. In the noble Lord's despatch to Lord Cowley of May 15, he defines the position which Her Majesty's Government mean to assume respecting the neutral territory, and boldly asserts that the manner in which the vote of the people of Faucigny, Chablais, and the Genevois was taken deprives it, in the sight of Her Majesty's Government, of all authority. The despatch of July 18, addressed to Lord Cowley for communication to the French Minister of Foreign Affairs, although written at M. Thouvenel's earnest request, was evidently written by the noble Lord the Foreign Secretary *de son propre chef*—at his own proper inspiration. The noble Lord in that despatch told Lord Cowley to communicate to M. Thouvenel that "the recognition of the annexation of Savoy to France was positively refused so long as the just and legitimate demands of Switzerland relative to the neutralized territory had not been taken into account by the Powers." For all these three despatches I give the noble Lord my most cordial thanks; and the people of Switzerland will, I am sure, reciprocate my views. The noble Lord the Prime Minister went even further. He alluded to this subject on the 14th of August last year in this House, and his opinions were so much more stringent even than those of the Foreign Secretary, that I shall be glad to recall them to my noble Friend's mind. The noble Lord the Prime Minister said—

> "The neutrality and independence of Switzerland are for the interests of all Europe. . . . It was not simply and solely from a regard to the Swiss that the arrangement was made. It was from a wise and well-considered regard for the general interests of Europe, and the maintenance, as far as possible, of the peace of Europe."—3 *Hansard*, clx. 1809.]

This speech was made at the close of last Session, at the time when it was announced in the Speech from the Throne that the Government were then engaged in negotiations with a view of settling this most unhappy and unfortunate matter. But I will ask the House what has been the result of all these assurances? Absolutely nothing. All the Powers of Europe had been consulted. They had all expressed a strong condemnation of the policy of France. But although that condemnation may be some comfort to Switzerland, I greatly regret that nothing whatever has been done. I cannot help thinking that the position of England is wrongly interpreted. The people of Switzerland say, "Why does not England go on and support us?" But England was only one of the contracting parties to the Treaty of Vienna. I say, in the interests of Switzerland, it is idle to suppose that England will venture herself alone in a quarrel for that which the whole of Europe equally guaranteed. Russia, Sweden, Austria, Prussia, Portugal and Spain were all parties to the Treaty of Vienna. They all said they were anxious to defend the independence of Switzerland, and to meet in a Conference last year. But none was held. Why? It was impossible to hold it after the circular despatch of M. Thouvenel. He said the Powers might meet and discuss the matter, but they must recollect that the whole of Savoy was irrevocably attached to France, and they could not, therefore, treat that subject. Of course, when the French Government shut out the possibility of treating the only subject that could bring the Conference together the Conference was of no use. Then occurred the events in Syria, and other matters; and so nothing was done. But the noble Lord has said that, as the representative of this country, he will never recognize the annexation of the whole of Savoy to France until the just and legitimate rights of Switzerland have been acknowledged by the Powers of Europe. It is very curious on this subject to hear M. Thouvenel and the French Emperor talk of the uselessness of the Treaty of Vienna. But the other day, when Spain and Austria asked France to join them in supporting the Pope at Rome, what was the answer of the French Emperor? He said, "I should be very glad to join you, but the Treaty of Vienna maintained the position of the Pope as it stands, and without the consent of the Powers of Europe who are parties to that treaty I can do nothing." I want the French Government to follow that reply in their action with respect to the neutral provinces of Savoy. Let them adhere to the stipulations of that treaty, and all will be well, and then they would settle this miserable dispute, they would pacify that portion of Switzerland, and satisfy the just requirements of Europe. I go no further back than last year. The most positive assurances were then given to Europe as regards these neutralized provinces. The King of Sardinia from the Throne, in language most emphatic, stated—

"That in making a sacrifice which, although necessary, cost him a good deal, he reserved its ratification to Parliament and universal suffrage, and he expressly reserved, as regards Switzerland, the guarantees of international right she was entitled to lay claim to."

I find these assurances were repeated by Cavour, who said that the Treaty of Turin was only made on the distinct understanding of an adhesion to the 92nd Article of the Treaty of Vienna. Lord Cowley received repeated assurances to the same effect. My hon. Friend referred to the account of a conversation with *un membre important du Cabinet*, which had been laid before the French Chambers, and one or two extraordinary assertions made in that despatch from this country written by M. Persigny the noble Lord at the head of the Foreign Department must explain. I hope the noble Lord will state who is the Cabinet Minister so distinctly referred to in that despatch. I am quite sure it was not the noble Lord himself, or the Prime Minister, or the Chancellor of the Exchequer. It must have been the Postmaster General or some subordinate member of the Cabinet at the time who made use of the extraordinary expressions contained in that document. At the very time that Sir James Hudson was giving assurances that nothing was done with respect to the provinces of Savoy, and while M. Thouvenel was making the same statement to Lord Cowley, M. Persigny writes from London to the French Minister for Foreign Affairs as follows:—

"I think it desirable that I should submit for your information details of an interview I yesterday had with an important Member of the Cabinet."

This, as I said before, must have been the Postmaster General, or, perhaps, the Duke of Argyll. M. Persigny said—

"If you could construct a submarine tunnel between Dover and Calais, this would be all very well in times of peace, and without any serious inconvenience in times of war, for each country would have the control of either extremity of the tunnel; but if one or other possessed the two extremities of the tunnel—that is to say, in this case, Dover and Calais—there would be very great danger to the other Power."

The *membre important du Cabinet* replies "True," and says no more. M. Persigny observed—

"Well, if the two slopes of the Alps were in the hands of one and the same Power, there would be a corresponding advantage either for defensive or offensive operations, and the tunnel through the Alps actually in course of construction replaces in our mind the imaginary submarine tunnel I have already alluded to."

The "important Member of the Cabinet" said in answer, "Indeed, that is true." M. Persigny continued—

"But that is not all, the advantage which Savoy, in the event of a European war, would offer to the Italian kingdom, or rather to the allies of that kingdom, to attack France, would, in a strategical point of view, be infinitely greater than our imaginary submarine tunnel between Dover and Calais in the hands of the English, for an English army starting from Calais would only attack France at one of its extremities, while a European army deploying from Chambery might in twenty-four hours take possession, between Vienne and Lyons, of our great line of communication between Paris and the Mediterranean, and cut France in two."

The important Member of the Cabinet answered, "Again too true." M. Persigny said—

"Well, it was this eventuality which the Emperor foresaw at the commencement of the Italian campaign; the independence of Italy could only establish itself in two ways, either by a confederation of the several Italian States or by the formation of one great State in the north of the Peninsula, and the Emperor declared to Sardinia, who consented, that in the latter alternative he would claim for the protection of France the French slopes of the Alps, and France would have been obliged to make this claim, even although she had not borne the brunt of the expenses of the struggle for Italian independence."

The reply of the *membre important du Cabinet* is, "that is true," and, indeed, he appears to have said nothing but "*C'est vrai*," "*C'est bien vrai*," and "*C'est encore bien vrai.*" M. Persigny proceeds—

"I ask you if the two schemes of Italian independence—namely, a confederation of States or an Italian unity; one giving Savoy to France, the other retaining Savoy, which of these two schemes has the Emperor constantly advocated and recommended? Is it not the scheme which left Savoy to Sardinia?"

"True again," replied the important Member of the Cabinet. Thus, it appears that France actually proposed to leave Savoy to Sardinia. We never heard that from the noble Lord. M. Persigny continued—

"And if now the Emperor appears rather to incline to the scheme of a great kingdom of Italy, is it not owing to the recommendation and advice of the British Government?"

The reply was, "*C'est encore vrai.*" M. Persigny said—

"What, therefore, in the conduct of the Emperor during all these transactions is more conspicuous than his thorough frankness."

The answer is not given, but, no doubt, it must have been—"*C'est bien vrai.*" This despatch, I think, requires some explanation from the Cabinet Minister in question. My hon. Friend has alluded to the intelligence from Berne relative to the assertion made by the Political Department to the Federal Councillors, that it was owing to England alone that France had not given to Switzerland those neutral Provinces, and has asked the Government to produce the despatch which the British Minister at Berne had written in reply. It is a good despatch, and at once repudiates, on the part of the Government, such a representation. The British Minister at Berne wrote to the Federal Council a note of which the following is an extract:—

> "Berne, June 13.
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> "Monsieur le President,—In the officially published report of the Political Department, to be submitted to the Federal Councillors, who will arrive in Berne on the 1st of July next, I have read, not without some surprise, the following passage in reference to the question of Savoy:—
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> "'In conclusion, we believe that, in giving an unprejudiced representation of affairs, we cannot omit to mention the fact that, on the part of France, it has been repeatedly maintained that it was the obstinate opposition of England to any annexation which had principally compelled France to retract the promises given by her in February, 1860, with reference to the cession of Northern Savoy to Switzerland.'
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> "I have carefully re-perused the voluminous correspondence published on this question, but do not find such a motive anywhere mentioned as having determined France to secede from her promise. On the contrary, I find it repeatedly stated that the sole motive for this proceeding on the part of France originated in the disinclination of the people of Savoy for any dismemberment of the country."

I see with great jealousy the visits of General Dufour to Paris at present. I only wish to impress on Swiss statesmen the expediency of refusing to treat in any underhand or private manner with France. This is a European question, and is not to be dealt with by private negotiation, and if Switzerland attempts without the consent of the Powers of Europe to treat with France, the consequences might be extremely detrimental to the interests of Switzerland. I am quite ready to admit that there is an apparent lull about Switzerland at this time. It has been said in "another place" that Switzerland was perfectly quiet; but I can tell the House that there are at this moment preparations going on, silently but steadily, in that country. It is but natural that this should be the case. A large French army is now being drawn towards the borders of the Lake of Geneva. There are 60,000 infantry and 20,000 cavalry on active service in France more than appear in the official returns. That was stated in the French Chambers the other day, and has never been denied. But, to return to what occurred in "another place" with respect to this question, I find that Lord Carnarvon, who brought the subject forward, said that the fortresses of Switzerland were unguarded because the leading men of the country feared to take any step to place them in a state of defence lest it might be construed into a measure of defiance. He added—and it would perhaps be desirable that I should read what he did say to the House, as his words ought not, in my opinion, to be allowed to pass without comment. ["Order!"] Well, I shall content myself with simply observing that it was a few days ago stated in "another place" that there existed in every part of Switzerland apprehensions of some impending calamity, and that the recent visit of Prince Napoleon to Geneva had filled the public mind in that country with alarm. Now, that is not the case. Prince Napoleon, indeed, did not enter Geneva at all on the occasion alluded to; but, be that as it may, the Swiss—though they may see great danger in the movements of France—yet entertain no fear. They are not like the Savoyards. On the contrary, they have from the very first moment when this question began to be agitated displayed an energy and a determination which show that they are deserving the approval of Europe. They have manifested no craven spirit. The first decision of the *Conseil Fédéral*, upon the receipt of the intelligence to which I have adverted, was to order 25,000 men to be sent into Western Switzerland and to issue instructions that 100,000 men should be prepared to march. *Le Grand Conseil de Berne* took immediate steps to support the policy of the Federal Council. They said, we regard this question of Savoy "*comme une question vitale pour la Suisse,*" and therefore it is that we are ready—"*se declare prêt d'accord*"—to undergo every sacrifice "*pour atteindre ce but*"—the maintenance of the independence of their native land. Well, this declaration was made on the 20th of March, 1860. The general elections in Switzerland took place in the following October, and the result was that the people of that country gave energetic expression to their approval of the policy of the Federal Government. Only two cantons, Vaud and Zurich, showed a hesitating spirit. What was the consequence? The people in those cantons strongly condemned the intrigues which their leaders sought to promote, and returned members to the Swiss Chamber who now support the views of the Federal Government. But that is not all. General Dufour, one of their most distinguished men, made a speech the other day, and I may be permitted to take this opportunity of expressing a hope that he will not, in the course of his present mission to France, vary from the determination at which he on the occasion to which I am alluding declared himself to have arrived. General Dufour on the 25th of January last said:—"We must repel without hesitation offers the most seductive, and, in appearance, the most profitable." Now, I too, would recommend the people of Switzerland to resist these seductive offers, and to place themselves in the hands of Europe. It was, I may add, only this morning that I received a copy of the speech delivered by the President of the Confederation on the 1st of July on the occasion of the opening of the Swiss Chambers, and I find that in that speech he says, alluding to the dangers by which his country is surrounded—

> "Switzerland must be prepared to spare no sacrifice, for none is too great for the defence of our liberties; neglect nothing to complete our system of defence; let us complete the armament of our troops; let us complete the fortifications upon all the points which require them, and let us open those means of internal communication which will facilitate the movements of our men."

That extract, I think, shows that Switzerland is taking most active steps in making preparations for defending herself against any attack which she may anticipate. But it was, as I before stated, said in "another place" that the fortresses of Switzerland and her military stores were practically unguarded, because, although the inhabitants of the country recognized the danger which impended over them, her leading men feared to take any step to place her in a state of defence, lest it might be construed into a defiance towards France. Now, I have here a statement made by General Dufour of the military preparations of Switzerland at this moment, and it may be interesting to hon. Members to know what would be likely to be her position in this respect in case any attack were made upon her. General Dufour says:—"We have an army of more than 100,000 men, and the Landwehr makes 50,000 more—that is to say, we can calculate on an army of 150,000 soldiers, armed, equipped, and sufficiently instructed to be opposed to the best disciplined troops"—and the House should recollect that the surface of the country is such that skilful manœuvring and charges of cavalry are almost impossible. He goes on to say "we possess a number of skilful marksmen, as well as of volunteer corps; our parks of artillery are at full strength, our batteries are numerous, well equipped, and ready for immediate service." "The Confederation," he adds, "has procured all the guns of large calibre which will be necessary for the armament of our fortifications, our arsenals are well secured, and all the arrangements for the commissariat are made." He concludes with this remarkable sentence—"The expense which results from all this organization is in itself a proof that Switzerland sets a high value on her neutrality, and that she is determined to defend it most earnestly." Now, I submit that Switzerland is resolved to defend her liberties, and I know that any political manœuvres resorted to with the view of extorting from her an acquiescence in the policy of France cannot intimidate her into submission. Such an attempt may be made, but I am quite certain it will fail. The other day at a meeting of French officers in the neighbourhood of Switzerland, the effect of what was styled the glorious policy of the new Emperor in restoring Savoy to her destinies formed the topic of consideration, and, no doubt, the principle of universal suffrage — that admired instrument in the hands of despotism —would seem to have elicited in favour of that project an apparent unanimity on the part of the Savoyards. I, however, maintain that that apparent unanimity is contrary to the real feelings of the people of that country, and that every one who listens to me must be thoroughly alive to the absurdity of the operation by which that solemn act of adhesion on the part of Savoy to France was effected. I have here and elsewhere resisted that annexation, and I think the nations of Europe did wrong in permitting the matter to proceed as they did. The statesmen of this country will, I am afraid, sooner or later regret the conclusion at which the question arrived; but, be that as it may, the case of Switzerland and that of Savoy are widely different. The Savoyards fell into the trap which was laid for them. Disorganized, deceived, and neglected, they became the ready victims of a conspiracy by means of which their ancient rights and liberties were sacrificed. It is not so with Switzerland. The French Emperor may tempt her with promises. All the schemes which a subtle Macchiavellian policy can suggest may be laid against her liberties; but will they be successful? I, who am acquainted with that country, am happy to think that such will not be the case. I know that in the bosoms of these men still exist the patriotic sentiments, and the Swiss still pride themselves on the glorious traditions of their race. Louis Napoleon will find it a more difficult task to deal with them than with the Savoyards. I would simply add that a second edition of an admirable work on Italy by Lord Broughton has been recently published. The history of Julius Cæsar, is there referred to, and if the Emperor of the French will dwell upon that history, he will find that Julius Cæsar, in the words of Suetonius, *jure cœsus existimetur* because he attempted to destroy the liberties of his own people. Now, I would ask Louis Napoleon to reflect what may possibly be the lot of a man whose policy—God forbid it should ever happen—leads him without reason or justice, or any offence on their part, to destroy the freedom of an ancient and a friendly people? I feel certain that Louis Napoleon will not succeed; and this I can predict that if he dares to take a single step beyond the limit to which he has already gone, he will find that, so far from grinding down the Swiss people or humbling them to his will, his policy will only have the effect of rousing every man in Switzerland to engage in a patriotic struggle, and of causing the brave people of that country to spurn unanimously the smiles and flattery of a despot.

LORD JOHN RUSSELL: Sir, I cannot deny that it is perfectly natural that my hon. Friend the Member for Bridgwater should ask for some explanation with respect to the statement made in Her Majesty's gracious Speech at the close of the last Session of Parliament to the effect that, although the proposed Conference on the subject of the cession of Savoy and of Nice to France had not been held, Her Majesty confidently trusted that in any negotiations which might take place full and adequate arrangements would be made for securing, in accordance with the spirit and letter of the Treaty of Vienna of 1815, the neutrality and independence of the Swiss Confederation. But, before I enter upon that question, it may be as well to refer to some circumstances which have been mentioned in the course of this debate, and which, although they have been explained before, perhaps require some further elucidation. It appears now to be perfectly clear—not from any diplomatic documents, but from what has been reported and not denied—that before the Italian war took place, in the summer or autumn of 1858, an agreement was come to between the Emperor of the French and the Prime Minister of the King of Sardinia by which hopes were held out that French troops would be sent to the assistance of the King of Sardinia in case he should be attacked by Austria, and by which it was stipulated that if the result of the war should be to give Lombardy and Venice to Sardinia, in that event Savoy and Nice should be surrendered to France. As I have heard the story, Count Cavour is reported to have said "That is a matter to be considered;" and the expression of his opinion or wish that it should be considered was taken by France as an assent. The war took place in the following spring, but the result was not the conquest of Lombardy and Venice, because the Peace of Villafranca provided only that Lombardy should be surrendered to France, in order that France might afterwards transfer it to Sardinia. But consequent upon that war insurrections took place in Modena, Parma and Tuscany, and those central duchies declared that their wish was to annex themselves to the kingdom of Sardinia. There is a phrase which has been used more than once by French Ministers, and which was referred to by the hon. Baronet the Member for Tamworth—namely, that the favour which was given by England to these annexations was the cause of the annexation of Savoy and Nice to France. I understand the meaning of that phrase to be that, Venice not having been conquered by France or given to Sardinia, it was not in contemplation for a considerable time that the proposed cession of Savoy and Nice to France should take place. But then it was said that if England had interfered in order to procure the restoration of Tuscany, Modena, and Parma to their former Sovereigns, the aggrandizement of Sardinia would not have been such that the Emperor of the French would have asked for the cession of Savoy and Nice. Whatever may be the truth with respect to these allegations, it was, in the opinion of Her Majesty's Government, impossible for them to be a party in any way to counsel or to advise that force should be used against the people of Central Italy, with the view of obliging them to recall the Sovereigns whom they had ejected, and whose rule they repudiated. Therefore, if the non-annexation of Savoy and Nice to France was to be bought by the use of force, or the consent to the use of force, to subjugate the people of Central Italy, it was our opinion that it would be far better not to interfere with the inhabitants of the three duchies, but to proclaim aloud the principles of non-intervention, be the consequences what they might. The duchies did declare in a very solemn way, by their representative assemblies, their wish to be annexed to the kingdom of Sardinia. The question of the cession of Savoy and Nice was again brought forward, and the consequent negotiations terminated in the Treaty of Turin, by which Savoy and Nice were surrendered by the King of Sardinia to the Emperor of the French. I shall not revert to the correspondence which took place upon that subject. The hon. Baronet the Member for Tamworth has admitted that we used the strongest language which was compatible with friendly relations in order to express our objections to the Treaty of Turin. Upon various occasions we stated that we did not agree in the opinion that this extended frontier was necessary to France. We said even that we considered it would be a disadvantage to France to give the example of that annexation; and we pointed out—as a separate, but, at the same time, a very considerable question—that the neutrality and independence of Switzerland would be impaired by the transfer of Savoy to France, instead of remaining part of the dominions of the King of Sardinia. That question led to further debate, and in one of the last despatches published in the blue book, M. Thouvenel stated that the Treaty of Turin having referred to an understanding to be come to among the great Powers, such understanding might be arrived at in one of the several ways. He said it was proposed to reconcile the 92nd Article of the Act of Vienna with the 2nd Article of the Treaty of Turin, and he pointed out how that might be done. It might be done by a conference of the Powers of Europe; it might be done by notes giving the consent of Europe to the transfer, the Emperor assuming towards the Powers those obligations which the King of Sardinia had previously fulfilled—namely, that in case of war the King of Sardinia should evacuate a certain portion of Savoy, called the neutralized territory, and that Switzerland should have military command in that neutralized territory during the continuance of such war; or, thirdly, it might be done by an understanding between France and Switzerland, which should be communicated to the Powers of Europe. The opinion of Her Majesty's Government was very promptly formed, and that despatch of M. Thouvenel being dated June 20, on the 25th of the same month a despatch was addressed by me to Lord Cowley, in which I stated that Her Majesty's Government were prepared to accept a conference on the mode in which this very important question should be settled. M. Thouvenel replied that the Government of the Emperor were ready, on their part, to adopt the course which the other Cabinets might desire, and which might seem to them best suited to the subject. That was the course which Her Majesty's Government desired, and it was the course which Switzerland had always proposed. The only request made by Switzerland to the Government of Her Majesty was that this question should be settled in a conference of the great Powers of Europe. In proposing to assent to a conference, therefore, we did everything that Switzerland had ever asked. But it was of no use for the Emperor of the French to propose this course, or for Her Majesty's Government to assent to it, as long as the other Powers of Europe were not consenting parties. The consent of the other Powers was not obtained. Prince Gortschakoff, the Minister of the Emperor of Russia, declared himself perfectly satisfied. He said that Russia considered that, provided Sardinia was willing to cede this territory, and the Emperor of the French was willing to accept it—provided that the Emperor of the French accepted it with the obligations, or servitudes, as they are called, to which the King of Sardinia had been subjected by the Treaty of Vienna — the transaction was complete; Russia had not a word of objection to offer, and so no need of any further conference or negotiations. Russia, therefore, was not prepared to send a representative to the proposed conference. The Emperor of Austria and the King of Prussia expressed no wish to have a conference. Their opinion was that no advantage could be derived from a conference; and they, therefore, expressed by notes that they did not desire a conference. The French Minister even interpreted a note of the Minister of the Emperor of Austria as being an acquiescence in what had taken place, and an admission that the possession of Savoy and Nice by France was thenceforward part of the public law of Europe. Her Majesty's Government, of course, could not press for a conference in which the other Powers were not willing to take part; but they could do one thing, and that one thing they did. They could say that, sufficient security not having been provided for Switzerland, and the neutrality and independence of that country having, in their opinion, been impaired by the Treaty of Turin, they could not, without further negotiation, whether in the shape of conferences or otherwise, hold that the annexation of Savoy and Nice was part of the acknowledged public law of Europe. That was stated in a diplomatic document; and, having done that, they could not have gone further unless they had found a disposition in Austria, Russia, and Prussia to agree with them in endeavouring to arrange such terms as would place the neutrality of Switzerland in a state of greater security. But, though no such conference was assembled and no such agreement was come to, the question of the neutrality and independence of Switzerland as guaranteed by the Treaty of Vienna still remained so guaranteed, and it is an obligation which I trust the Powers will not repudiate. It was an additional security to that neutrality and integrity that such a Power as Sardinia should hold Savoy, and that a portion of the territory should be neutralized in case of war; but that was not the neutrality and independence of Switzerland herself, though it was an additional security to her. What remains to be done has been eloquently stated by the hon. Baronet; it is that Switzerland should herself assert, without delay and by every means, her determination to defend her own independence, and to maintain that neutrality which has been guaranteed by the Powers of Europe. I know not what dangers may threaten Switzerland, but of this I feel certain—that if the Powers abandoned a cause so just and so strongly guaranteed as the neutrality of that country, they would not only fail in the obligations of treaties, they would not only commit a dishonourable act, but they would shake the security of every State in Europe. The hon. Baronet has truly said that Great Britain, in this case, cannot act alone; but I entirely agree with him as to the interest which he says this country has in preserving her connections and alliances with the various Powers, and in maintaining that independence of the several States of Europe which is generally known by the name of the "balance of power." I believe that if she tried in any selfish spirit to set aside any part of her moral obligations, and endeavoured to insulate herself from the other Powers, though there might be seeming security in that position, it would soon fail, and she would find herself abandoned by all the States whose interests she had herself disregarded. We have seen in recent transactions the advantage of European concert. There was considerable danger, many persons thought, in what happened last year in Syria, when the whole mind of Europe was shocked by the dreadful massacres which took place in that quarter. We appeared to be placed between two dangers. The one was that the massacres would be repeated in various parts of the Turkish Empire, and that Mahommedan fanaticism would have its full sway, and play a part of blood and rapine which would raise all the Powers of Europe against the maintenance of the Turkish Empire. On the other hand, if European occupation were permitted, there was the danger that the occupation by one Power might be continued, and that the example might be followed by others of the Powers who were neighbours of Turkey. The Powers agreed in concert at Paris that a body of French troops should go to Syria, with a view to prevent a repetition of the massacres and their extension to other parts of the Turkish Empire. The time came when it appeared to us that the occupation might be safely discontinued, and that there was, in fact, far more danger in its continuance than in its cessation, and that opinion was expressed to the assembled Powers at Paris. The Russian Government gave the directly opposite opinion that there would be the greatest danger in France relinquishing the occupation of Syria; but the determination to which Her Majesty's Government had come was, in fact, binding on all the Powers. They all agreed that if the Sultan required that the occupation should cease, it was impossible that the Powers could insist on its prolongation, and Her Majesty's Government supported the Sultan in that demand. The French Emperor showed his good faith, as I stated in this House that I fully expected he would, by withdrawing his troops on the very day that had been stipulated. That is one indication that the Powers are disposed to treat questions such as these in such a manner as may lead to their pacific solution. Again, there is this very question of Italy. It is well known that the French Government have repeatedly expressed their preference for a confederation of States—for one Italian Power in the north, another in the centre with the Pope at its head, and another in the south, with perhaps other smaller States interspersed—to the unity of Italy. But the people of the country declared in favour of unity; and the Emperor of the French has amply acknowledged the legitimacy of the title of the King of Italy. Here also Her Majesty's Government and the Government of the Emperor of the French are entirely agreed in respecting the principle of the national will of a people who, I trust, are destined to renew their former glory in arms and in the arts of peace. Other questions are still pending, some of them on the Continent of Europe, and some may also arise in the unhappy war which is now taking place in America. If France and England can act in harmony on these subjects it will be a great benefit, not only to the two countries themselves, but to Europe and the world. We have on every occasion made the frankest communication to France of our opinions and views in regard to them, and I must say that we have been met by France in a very proper spirit. I trust that, whatever unfortunate differences may have existed at any time last year, we shall now continue to act in concert and harmony, that the peace of the world may be preserved, and that these two great nations may combine to promote the best interests of the world.

IRISH CONVICT PRISONS.

OBSERVATIONS.

LORD NAAS rose to call the attention of the House to the recent changes in the Board of Directors of Irish Convict Prisons, and said that at the time of the abolition of the transportation system, in 1854, an inquiry was made into the convict establishments of Ireland, which were found to be in a state of the greatest disorder, and a thorough reform took place; and he believed that the new system, under the direction of Captain Crofton, had proved a complete success. When transportation ceased it was feared that great evils would arise from the necessity of maintaining so many unreformed men at home, but in Ireland that apprehension had been proved to be unfounded. A new system had been established in that country. Convicts, in the earlier stage of their detention, were subjected to almost complete separation. They were then placed at work in the open air. They were then passed to an intermediate prison, where they enjoyed a modified freedom, and they were finally released on tickets-of-leave, which differed from tickets-of-leave in England, inasmuch as the men were still kept under the supervision of the police. Knowledge of each individual's character was sought. Industrial training was offered, and by a judicious system of marks the convicts could shorten the period of their detention, and on their release receive a small sum to put them in the way of earning their livelihood. The experiment of the intermediate prisons had been completely successful, as not a single instance of attempting to escape had occurred; and another advantage which was obtained was that a most complete supervision was obtained over the convicts after they had left the prison. The directors of prisons were acquainted with the exact condition and state of those who had been under their care, and it was not, therefore, assumed that every man who did not bring himself within the purview of the criminal law was put down, as a matter of course, as doing well. In addition to other advances, the Irish convict system had been the means of furnishing more valuable criminal statistics to the country than had ever been furnished before. In order to show the House how complete had been the success of the licence system, he would state a few statistics on that point. In 1854 the number of prisoners detained in the Government prisons in Ireland was 3,933, and on the 1st of January, 1861, it was only 1,492. The number of licences issued was 1,462, and the number revoked 89, of which 30 were revocations for irregularity. Only 10 per cent of those who had passed through the intermediate prisons had returned to them. The success of this system in an economical point of view was quite as extraordinary. The cost of Irish convict establishments was £28,000 a year less in 1860 than in 1856, and the cost of maintaining 2,220 convicts at Chatham and Dartmoor was £28,000 a year more than the cost of the whole of the Irish establishments, which contained about the same number. With such results it was no wonder that the system should have been lauded by the press both at home and abroad, and that distinguished foreigners who had seen it in operation should attempt to introduce it into their own countries. It was, therefore, with great regret that he saw it was proposed to make an important change in the Prisons Board, by not filling up a vacancy in the Board of Directors. At all events that seemed to be their intention, from the somewhat ambiguous answers which had been made by the Irish Secretary in that House in reply to questions which had been put to him on the subject. The duties of Chairman of that Board were very onerous, there being no less than five prisons, two refuges, and nine reformatories to manage. The Government would probably defend their proceedings on the ground that three Directors managed the prisons of England, and a smaller number might manage those of Ireland. As far as saving was concerned, the full salary of a Director was only £600 a year, and since the vacancy the services of an assistant had been obliged to be had recourse to, so that the actual saving was only £300. He would also point out that the governors of prisons in England received a much higher salary than those of Ireland, and performed duties somewhat akin to that of Directors in Ireland. The system went on and worked well; but more assistance would be required for the future. It was said that three Directors were found sufficient in England, and that a smaller number would be sufficient for Ireland. The circumstances of the two countries were, however, widely different. A high authority in Ireland had given it as his opinion, that it was utterly impossible that the duties of the Irish Board could be performed, unless further assistance was rendered by the Government. He (Lord Naas) thought that the alarming disturbances which lately occurred in Chatham were owing to the want of some central directing authority. There was not one such instance in the convict prisons in Ireland. Captain Crofton, who had had the management of the convict department in Ireland, and to whom the public were deeply indebted for the success of his experiment, was resolved to retire unless he was supplied with sufficient means to carry out his system. He thought it would be a great public misfortune if Captain Crofton resigned the office which he had filled with so much credit to himself and satisfaction to the public. He hoped that he had stated such facts as would induce the Government to reconsider their determination, and to make such arrangements with Captain Crofton as would induce him to remain some time longer in the service of the public. He thought that if it were shown to Captain Crofton that he would have the cordial assistance of the Government, he would not, under the pressing circumstances of the case, be disposed to carry out his present resolution to retire.

Mr. CARDWELL could assure the noble Lord it was not necessary, as far as the Government were concerned, to show the value of the convict system in Ireland. That system was instituted by the Government of Lord Aberdeen, and it had been followed by the most satisfactory results. He (Mr. Cardwell) had always given that system his most cordial support. He concurred entirely with the noble Lord as to the value of the services of Captain Crofton, and had recommended the Treasury to increase the remuneration of that able officer, when he added to his other duties those of inspector of reformatories. As to the intention of the Government with respect to the Prisons Board the circumstances were these. The other day there occurred a vacancy in the County Prisons Board, and it occurred to the Irish Government that by appointing one of the Convict Directors to the vacancy, and thus forming a union between the two Boards, increased efficiency would be obtained. With this view it was intended that Mr. Lantaigne should be appointed to the vacancy without resigning his seat at the Convict Board; but it was found that there was a difficulty in the way, and Mr. Lantaigne was then appointed to the County Prisons Board, and resigned his seat at the Convict Prisons Board. It then became necessary to consider whether the vacancy should be filled up or not. When the system was first established it was the intention of Parliament that the number of Directors should be reviewed from time to time. The system then was new, and the number of convicts was 4,000. Now it was working excellently, and the number of convicts was less than 1,500—a result, no doubt, very creditable to the system. In the month of May he received from the Directors a proposal that, inasmuch as the time of Captain Barlow, the Inspector of convicts at Spike Island, had been relieved by the removal of the convicts from Forts Carlisle and Campbell, he should be taken to Dublin to assist the

Directors. That was carried into effect, and he was now engaged in further inquiry as to whether or not it was right to fill up the vacancy. The Irish convict system was established by a Government of which he had the honour to be a member. To that system he had always given, and should continue to give, the most cordial support—no object of small economy would induce the Government to impair its efficiency—but when a vacancy occurred in any department it was the duty of the Government carefully to consider whether or not it was necessary to fill it up. Captain Crofton would have the best support of the Government in the discharge of his laborious duties. He was sorry to hear that the health of that gentleman was so bad, but hoped that it would soon be sufficiently restored to enable him to continue the discharge of his duties.

MR. WHITESIDE trusted that the expression of opinion by the House would prevent a valuable department being sacrificed by a course which the right hon. Gentleman was rashly going to take. The gentleman who was at the head of this department had a peculiar genius for the office. Captain Crofton had succeeded in accomplishing what no other man, perhaps, had been able to effect—namely, in showing that no criminal, however great, was incapable of being reclaimed. Captain Crofton had succeeded in a great degree in his noble task of reformation. When the late Government proposed to consider whether the punishment of death might not be abolished for a great many offences, he (Mr. Whiteside) was induced, from his observations of Captain Crofton's system of secondary punishment, to concur in the opinion that the punishment of death might be abolished for all crimes except that of murder. The right hon. Gentleman did not appear to be advised by anybody in Ireland who could give him sound advice, and it was believed that he had intimated his intention to change a system that had worked extremely well, without having the courtesy to consult the eminent gentleman who was at the head of the department. The excuse of ill-health put forward by Captain Crofton was, it was generally supposed, but the expression of that officer's disgust at the way in which he had been treated by the Government. He (Mr. Whiteside) asked whether this was the act of Lord Carlisle, or whether it was recommended by Colonel Larcom? Was it the intention of the right hon. Gentleman to break up a system which had proved so successful, and which had given satisfaction to the people of all religious denominations? He did not complain of the right hon. Gentleman's wishes—it was of his conduct he complained. It appeared that the right hon. Gentleman had borrowed the services of the Inspector of Spike Island, when Captain Crofton said it was impossible to do without further assistance. In acting thus the Government were enabled to save £200 a year, at the risk of breaking up the department which had attracted the notice of every philanthropist in Europe. He had a high respect for the right hon. Gentleman, but he could not help thinking that there was great danger and mischief in his attempting to undertake the Government of Ireland alone.

SIR GEORGE LEWIS had never heard a charge which had less foundation than that which had been made against his right hon. Friend, of endeavouring to overthrow the convict system of Ireland. That system had been strictly adhered to by his right hon. Friend, and there was not the smallest ground for the imputations which had been cast upon him. What he had done he was called upon by his duty to the public to do—namely, when an office fell vacant, to consider whether the public service required that it should be filled up. In England the number of convicts was 8,000, while in Ireland it was only 1,500; or rather less. The Board of Management in England consisted of only three persons; and as he was convinced that the recent disturbances at Chatham, to which reference had been made, arose in no degree from insufficiency of superintendence, there was a *primâ facie* case that the number in Ireland was unnecessarily large. Something had been said of the greater expense of English as compared with Irish convicts; but, in making such a comparison, it was necessary to bear in mind the earnings of the English convicts. It appeared to him that the course which had been taken by his right hon. Friend was fully justified by the circumstances, and he trusted that these continual appeals for the increase, or against the diminution of establishments would not discourage the Executive in performing what used to be thought one of its most important duties—namely, keeping the expenditure of the administrative departments within reasonable bounds.

MR. MONSELL said, the speech of the right hon. Gentleman (Sir George Lewis) involved a complete fallacy. His strong point was that as the 8,000 English convicts were managed by three Directors Ireland could not require so many to manage 1,500. But the difference between the two countries was this—that the work left to be done in England by the governors of the prisons was in Ireland done by the Directors themselves—they became acquainted with each individual convict, and kept their eye on them for years after they had left the prison. The right hon. Gentleman talked of economy; but he believed there would be no economy at all, for what was taken from the Directors would be added to the governors of prisons. But if they wanted economy—though he did not think there were too many offices in Ireland—he would recommend the Government to abolish an aide-de-camp or two, which Ireland would cheerfully sacrifice rather than risk the abandonment of a system of prison discipline which was attracting the attention, not of this country alone, but of the whole civilized world.

SIR GEORGE GREY said, the impression seemed to prevail that his right hon. Friend was about to make important changes in the system of prison discipline. But his right hon. Friend had stated in the most explicit terms that he contemplated no change whatever, and that the only question was whether, seeing an establishment of three Directors was thought sufficient when the Irish convicts amounted to 4,000, a smaller number of Directors might not be adequate now that the convicts had fallen to 1,500? But his right hon. Friend had not even decided on that step; he was only trying whether the experiment would answer, and he hoped the House would not force the Government to fill up the appointment before the experiment was fairly tried. He could not believe that Captain Crofton, for whom he had the highest respect, was at all concerned in this attempt to force the Government to fill up the vacancy.

MR. KINNAIRD was surprised that the right hon. Gentleman should have made this imputation on Captain Crofton. That Gentleman had taken no steps whatever in opposition to the Government; he offered to resign his appointment. It was they who believed that the system of Captain Crofton was a most admirable one, and who believed that it was in jeopardy from Captain Crofton's resignation in consequence of the increased duties put upon him, that they were induced to come forward and insist that his duties should be lightened by the vacancy being filled up.

Mr. Monsell

MR. SEYMOUR FITZGERALD said, that the right hon. Baronet had put the case in a most unfair light to the House. What was the state of the case? Here was a system of convict discipline not only far superior to that in England, but such that it had attracted the attention and was commented on by all who took an interest in these questions throughout Europe. Captain Crofton's system was, he believed, the most perfect system of convict discipline that had yet been adopted. But it was not the Government that could claim any credit for this system; it was not the Government that commenced the system; the whole credit of it was due to Captain Crofton. Now, that system being perfectly successful, a vacancy occurred, and the Government hesitated to fill it up, their plea being economy. He believed the saving would be somewhere about £200 a year; and for that sum this admirable system was to be put in jeopardy. What they said was this—that when Captain Crofton had established a system the beneficial results of which had attracted the notice of statesmen and philanthropists all over Europe, it was only fair that the Government, before making any change in the appointments, should have consulted Captain Crofton. ["Hear!"] He observed that hon. Gentlemen opposite cheered that statement, but he believed no communication had been made to Captain Crofton whatever; or if there was, it was made in such a manner as left him no room to express his opinion. Captain Crofton felt that as he was not properly supported by the Government, nor supplied with the proper assistants to work out his plans, it would be better for him to resign, and it was to prevent that they now urged on the Government to give him that support to which he was so well entitled.

MR. BEAMISH strongly urged on the Government to support Captain Crofton, as the results of his system were more than enough to justify a greater outlay than it incurred.

Question put, and *agreed to.*

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

WAKEFIELD NEW WRIT.

RESOLUTION. ADJOURNED DEBATE.

Order read for resuming Adjourned Debate on Question proposed [28th June],

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the Electing of a Burgess to serve in this present Parliament for the Borough of Wakefield, in the room of William Henry Leatham, esquire, whose Election has been determined to be void."

Question again proposed.

Debate *resumed.*

Mr. Serjeant PIGOTT said, that having been Chief Commissioner to inquire into the corruption practices at a recent election for the borough, he rose to state his conclusion that the writ ought not to issue. The hon. Member for Beverley (Major Edwards) who had moved the writ had stated no sufficient reason why the writ should issue for a borough of which the Commission of Inquiry had reported that the electors had been guilty of gross corruption and bribery, and that these practices had been committed by all parties. If Wakefield suffered any inconvenience from not being represented, it was the proper consequence of its own act. The Report of the Commission was entirely borne out by the evidence. Should the writ issue, it would seem as if the House, instead of marking its sense of the corruption to the electors, intended to give them a second opportunity of displaying it in the same Parliament. This question ought not to be treated with the levity with which it seemed to be met on the former evening, when it was said there were Members in the House who were known to have obtained their seats by bribery. [*Cheers from the Opposition, and cries of* "Reading."] Let the House consider what bribery was. ["Oh, oh!"] Mr. Justice Blackstone called it "the infamous practice of corruption;" and another high authority declared it to be "poisoning the fountain of public security." The House should express its determination in tones that admitted of no mistake to do its best to repress bribery. What was the use of issuing a Commission of Inquiry if they did not act upon their Report? The object and end of such a Commission was to punish a place where bribery had extensively prevailed. If one party only in a borough was implicated it would be unjust to suspend the writ, because in doing so they would confound the innocent with the guilty; but where it was found that the heads and subordinates of all parties were engaged in the same corrupt work, surely the borough ought to be punished. It might be said that the steps taken by the House should be definite, and that it was unconstitutional to keep the writ in abeyance. But was it not both constitutional and according to precedent that the House should suspend a writ in such a case during its pleasure? It was done with regard to Liverpool in 1831. The Committee declared that gross bribery, treating, and corruption prevailed at the election for that borough in 1830, and it was decided by the House that the writ should not go. Again, in the case of Stafford, the writ was suspended in 1835 on the same grounds, after the Report of a Select Committee. More recently the House also chose to suspend the writ for Nottingham, but without a Report from a Select Committee. These instances showed that the House had full power, if it chose to exercise it, to suspend the writ in the present case. There would be no injustice in punishing the whole borough for bribery which was common to the whole borough. He believed it would be a wholesome lesson to constituencies if the writ were suspended. Bribery was not more engrafted in society now than was duelling formerly. The latter was put an end to by a firm exposition of the law on the part of a Judge whom they had lately lost, and he believed the former would be put down too by a firm declaration of the opinion of the House. He should vote against the Motion of the hon. Member opposite.

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V. p. 99.

Mr. KNIGHTLEY hoped the right hon. Gentleman the Secretary of State for the Home Department, after the clear and distinct promise which he had given on that night week, would not oppose the issue of the writ. He admitted that there were precedents for the suspension of writs; but the course, except while inquiries were in progress, was inexpedient and unconstituional. If the places were really corrupt, the proper course was to follow the precedent set with respect to Sudbury and St. Albans, and to disfranchise them altogether. But such a course ought not to be pursued in isolated instances; it ought to be extended to all places in which corruption was shown to be deep-rooted and wide spread. The hon. and learned Gentleman who had just sat down had accused him of levity in speaking of the subject of bribery. He denied that he had treated the matter in any such spirit. The hon. and learned Gentleman certainly could not be accused of having spoken with levity, for he had rarely listened to a more solemn or, he would add, dreary speech. Nobody denied that bribery had taken place at Wakefield; but anybody who read the Reports of Committees or Commissions which had sat elsewhere would have arrived at precisely the same conclusion. The noble Lord the Foreign Secretary the other day seemed perfectly shocked at the idea of a writ being issued to a corrupt place like Wakefield. But how had the Government treated candidates who corrupted constituencies? It was all very well for Committees to draw up a Report in a stereotyped form, to the effect that sufficient information had not been brought before them to prove that the bribery or corruption had taken place with the knowledge or sanction of the candidates; but could any sane or reasonable man doubt where the money came from? Possibly, the money was originally subscribed to a general fund. He was happy to say he knew nothing of such arrangements, for he did not represent a borough. A very ordinary practice was for certain funds to be subscribed, of which the Gentleman going down to contest a corrupt borough usually contributed the largest portion, or possibly he might avail himself of the accommodating and useful assistance of some political friend like the right hon. Gentleman the Member for Wells or Honiton, who might be able to make arrangement for the transmission to its destination of this general fund. Now, how had the Government treated Gentlemen who were instrumental in corrupting constituencies? Immediately after the last general election, one of the Members for the town of Norwich was convicted through his agents—of course, the noble Lord knew nothing of the circumstances—of gross, glaring, wholesale bribery. Yet, he now sat on the Treasury Bench, and occupied a high and responsible station in Her Majesty's Household. He alluded to the noble Lord at present Member for the Wick Boroughs (Viscount Bury). Another noble Lord was also convicted on a former occasion of gross, glaring, and wholesale corruption in the town of Hull. That noble now occupied a yet more responsible position in Her Majesty's Government in "another place." He alluded to Lord De Grey, who was well known in that House as Lord Goderich, who had been convicted of gross bribery. The House of Commons having condoned the offences of those corrupt constituencies, and Her Majesty's Government having rewarded the Gentlemen who corrupted them, it was perfectly preposterous for the House to affect precise puritanical scruples about issuing writs for Wakefield or Gloucester, the circumstances of which were in no way distinguishable from those of the other towns to which he had alluded.

SIR GEORGE GREY regretted that the hon. Gentleman should have introduced any personal question into the discussion. He should have remembered that now Election Committees were bound, when they found bribery to exist, to report whether that bribery had taken place with the knowledge or consent of the candidates or Members. In both cases of Hull and Norwich the Committees reported that the bribery had been without the knowledge or consent of the noble Lords who had been referred to. [MR. KNIGHTLEY: But by their agents.] Every one professed to be desirous of putting an end to bribery, and complaints were made that the Reports of Committees and of Commissioners had not been productive of greater results—that those Reports were laid upon the table, and nothing was done upon them. He thought there would be less justice in these complaints if some more decisive and less cautious attempts were made to check bribery. Disfranchisement did not follow where the corruption was not nearly universal, and as long as they adhered to that rule there would be but few cases of disfranchisement. Much might, no doubt, be said about the extent of constituencies like those of Gloucester and Wakefield, and it may be urged that it would be hard to disfranchise the whole for the faults of a portion of the constituency. But in the case of Wakefield, not only were a large number of voters corrupt, but the Commissioners called attention to the fact that what was called the respectable part of the constituency had not exercised that influence which they possessed to prevent bribery as they might have done, and, therefore, the corruption in that place must be assumed to have gone beyond the voters actually bribed. With respect to boroughs so situated he last year stated the course proposed by the Government—that where the corruption was extensive, but not sufficient to deserve disfranchisement, a temporary suspension of the writ was expedient. He also stated that the Government would have introduced a Bill to apply that principle to these two boroughs, had it not been that a Reform Bill was then before Parliament, which if adopted would have created many new voters. The subject having been referred to a Committee, that Committee made a recommendation in accordance with that suggestion. After the time which had elapsed since the election, the Government did not think it expedient to introduce a Bill specifically applicable to these two boroughs; but the question now coming before the House must be considered together with that recommendation, and it would be for the House to determine whether such a rule should be prospective or retrospective. In any case, if the House was inclined to discourage bribery by suspending the issue of writs for corrupt boroughs for a *minimum* period of five years, as recommended by the Committee, it would be improper after the lapse of less than two years to allow those boroughs the opportunity of repeating perhaps the same practices as those of which they had before been guilty. He did not think a sufficient time had elapsed. The hon. Member who spoke last had taunted the Government and the House with punishing the constituencies and allowing the candidates to pass by unnoticed. He must remind the hon. Member that in the cases where a candidate had been open to prosecution, in consequence of not receiving a certificate from the Commissioners, the Attorney General had instituted proceedings. In one case the prosecution was for a time defeated by the obstinacy of a witness in refusing to repeat the evidence he had given before the Commissioners. In another case—that of Berwick—the Attorney General had stated that he did not prosecute the candidate because the principal witness had absconded. He was glad the question was now discussed in a full House, when it could be deliberately considered.

MR. HENLEY said, that the precedents quoted by the hon. and learned Member for Reading (Mr. Serjeant Pigott) had convinced him that the writ for Wakefield should be issued. In the case of Stafford the House had passed a Bill of disfranchisement, but in consequence of a difference with the other House the writ only remained suspended. It was, no doubt, in the power of the House to suspend a writ for an indefinite time; but whether it was right or constitutional he could not say. Suspension of the writ was clearly a penal proceeding, and the question now was whether the suspension had lasted sufficiently long. No one had proposed a Bill to disfranchise this borough, and if the Government had thought that five years' suspension was the proper punishment, they should have introduced a Bill to the effect immediately after the Report of the Commissioners. They not having done that, and believing that indefinite punishment was wrong, he should vote for the issue of the writ.

COLONEL SMYTH regarded this as no party question. Every one admitted that bribery had been practised at the last election for Wakefield. He deplored the fact, and he was authorized by the two gentlemen who were candidates upon that occasion to express their regret. The question was whether Wakefield had not been sufficiently punished already. Two years of disfranchisement to a large commercial town was a heavy penalty to endure. Not only so, but Wakefield had also been deprived by the Appropriation of Seats Bill of the important position which it hitherto held in connection with the elections for the county. He must say he had been startled and surprised at the declaration of the Home Secretary. When the debate was commenced that night week that right hon. Gentleman clearly stated that if the second division then taken went against the Government, as the first one had gone, he would support the issue of the writ. ["No!" and "Hear, hear."] He mentioned this with pain, but the right hon. Gentleman was so reported in *The Times* of the following day. The House was entitled to look for straightforward conduct on the part of those who were its leaders, and he must, therefore, now call upon the right hon. Gentleman to act according to his own declaration. The right hon. Gentleman was afterwards urged the same night to go into the lobby in opposition to that declaration; but it was to be hoped that he would be prepared to-night to say, on behalf of the Government that he would not further resist the issue of the writs for Wakefield and Gloucester, and he would thereby regain the confidence which he had heretofore most deservedly enjoyed on that side of the House.

MR. BENTINCK contended, notwithstanding the reproof administered by the Chancellor of the Duchy of Lancaster in regard to the introduction of personal matters into that discussion, that the hon. Member for Northamptonshire (Mr. Knightley) was perfectly justified in the illustration he had used in support of his argument. The report of the inquiry relating to Kingston-upon-Hull declared that systematic bribery had been committed on behalf of Lord Goderich; that it was not proved that such bribery was committed with Lord Goderich's knowledge, but that it was proved that he had a knowledge of facts which should have caused him to inquire into the mode in which the money was expended, and that such an inquiry must have led him to the conclusion that bribery was being practised on his behalf. If the Government would bring forward a Motion for the disfranchisement of Wakefield and Gloucester he was prepared to vote for it, but he thought it unjust to deal out one punishment to one delinquent borough and another punishment to another. With respect to the constitutional part of the question, he could not understand a more unconstitutional course of proceeding than that the right of dealing with questions of this description of delinquency should rest either with the caprice of the House of Commons, or the caprice of the Government of the day. There ought to be some clear and definite rule of action. The Government ought to follow one of two courses—either to sanction the issuing of the writ or deal with these two places as others had been dealt with. He firmly believed that nothing would stop bribery, and the course the House adopted was to encourage it at elections. The real fact was that in the country there was no feeling against it, and no belief in the mind of the public that there was any turpitude in either giving or taking a bribe. He was not so sanguine as the hon. and learned Member as to believe that the House had only to express its reprobation of such delinquencies in order to effectually eradicate electoral corruption. Bribery could only be dealt with by making the penalties and the punishment so heavy that it would be dangerous to commit it.

VISCOUNT PALMERSTON: — I think there is a great deal of force in the observation that we ought to take some decided course in regard to these boroughs. My right hon. Friend the Chancellor of the Duchy of Lancaster has explained why, when the Bill that now lies on the table was brought in, it was not deemed proper to apply to these boroughs the clause which provides that constituencies so convicted shall not be allowed for five years to return Members to this House. But I think it would be fair for the House to consider whether, under the altered circumstances of the case, it would not be right to include Wakefield and Gloucester in that clause, and that when we come to consider the Bill in Committee, a proviso should be added to prevent their electing representatives until the period of five years has expired. If the House should be of opinion that that would be a fit question to discuss in Committee on the Bill, then surely we ought not to withdraw these boroughs from consideration by now issuing their writs. The hon. Gentleman who spoke last (Mr. Bentinck) is prepared to vote for the disfranchisement of these two towns; but I think there are obvious reasons why we should pause before proceeding to that extremity. The House ought to consider the effect that would be produced on the public mind by adopting the Motion before us. For what purpose, I would ask, are Commissioners appointed to investigate cases of gross and extensive bribery? Is it that the House may have the satisfaction of knowing that corruption exists and then doing nothing? Is it for the sake of informing the public mind that borough after borough is convicted of flagrant venality, and that all this House does, after letting the Report of the Committee lie on the table for a year or so, is to issue the writ and treat the delinquent constituency as if nothing at all had happened? Why, if that is not trifling—if it is not indirectly avowing that we consider bribery and corruption a trivial and venial offence, hardly deserving of any consideration and certainly of no punishment—I do not know what the consequences of any given line of conduct can possibly be. I entreat the House to pause, and remember that its own character is here involved. The Wakefield election took place about two years ago. An investigation was instituted, and I do not believe the Report has been much more than a twelvemonth lying on our table. Circumstances have prevented that Report being taken into serious consideration; and now the first result of all these proceedings is to be that we are to issue the writ, just as if a vacancy had occurred in a common and natural manner. I, therefore, humbly propose to the House that we should not now issue the writ, but that we should reserve for subsequent discussion the question whether it would not be well to visit on these two delinquent constituencies that five years' deprivation of electoral privileges which is prescribed by the clause in the measure to which I have referred.

MR. DISRAELI: I cannot but think that the House is in a very unsatisfactory position in respect to these two boroughs; but, at the same time, I do not see that the proposition of the noble Lord will remove the difficulty. If the proposition is one to extricate us from the difficulty by what is, after all, only *ex post facto* legislation, I do not think it is one which the House is likely to favour. To-night we are discussing the question of the corruption of a particular borough, and that, to my mind, has nothing to do with the point before us. The point is much more important than the question of the corruption of a particular borough. It is, whether we shall suspend a writ without the authority of law. Really that is the important matter which we have to decide. If, without any violation of the law, we could sufficiently punish Wakefield and Gloucester, I should be most willing to support any Motion having that for its object; but it appears to me that in our eagerness to punish those boroughs we may be laying the foundation of a system which may be found hereafter very injurious to that public liberty and security which—notwithstanding some of the statements which have been made in the course of this debate—I am willing to believe both sides of the House are anxious to preserve. Is that a satisfactory state of affairs by which we may suspend the issuing of a writ at the caprice of an individual, or to suit the fashion of a party? What can be more unsatisfactory than those precedents cited by the hon. and learned Serjeant, which show that the suspension or the issue of a writ may depend upon a majority of one. I think we should lay down some invariable principle which should apply to all cases, and which should remove the difficulty in which the House has been placed, both on the last night when this subject was under discussion and on the present occasion. From all I can learn, if a division had been taken on the preceding night, the writ would have been issued; and surely nothing can be more unsatisfactory than that a matter of great importance should depend upon the chance attendance of hon. Members or the caprice of a Minister. A question of this kind ought to be decided in a manner that should apply inflexibly to all cases, and that should leave no room for cavil. There is no machinery to meet the case at present. It is no answer to the general objections which can be urged against the arbitrary and capricious suspension of a writ to say that Her Majesty's Ministers are sensible that something ought to be done, and that an opportunity will hereafter occur, of which the House may avail themselves in order to do that something. The House ought not to be influenced in its opinion by such vague promises as that which the noble Lord has given us, and which, even if it be realized, will result in legislation of a retrospective character. It appears to me that the best thing we can do now is to assent to the issue of the writ, and take the earliest opportunity of giving the whole subject our attentive consideration, with a view to providing for future cases. If we act in this way, we can hereafter lay down a mode of action which will leave no room for doubt, and which will relieve the House in future of discussions of this character. Though as willing as any one to show my sense of the conduct of the electors of Wakefield, I feel bound to support our constitutional rights, and vote for the issue of the writ.

THE CHANCELLOR OF THE EXCHEQUER: I have heard the statement of the right hon. Gentleman with regret, for, whatever may be the decision of the House on the present Motion, and though I hope that decision may be adverse, I am sorry that among the leading Members of this House there should be any difference of opinion as to the course which ought to be pursued in such cases. The first objection of the right hon. Gentleman to the proposition referred to by my noble Friend is, that it is one for *ex post facto* legislation. If that be a valid objection, everything which the House has hitherto done in the matter of disfranchisement is hard and unjust. It was wrong of the old Parliament to disfranchise Penryn and Grampound, and it was wrong in the new to disfranchise Sudbury and St. Albans. The right hon. Gentleman says that we ought not to suspend a writ in an arbitrary manner. He is right; but it is perfectly within the spirit of the Constitution to suspend the issue of a writ till we have had an opportunity of considering what final course we ought to take. My right hon. Friend (Sir George Grey) has explained that the Reform Bill of last year afforded a sufficient reason for not bringing in a Bill applying more directly to cases such as those now under discussion; but as to the present Session my noble Friend at the head of the Government has just declared that the House will have an opportunity afforded to them of considering the amount of punishment in the shape of disfranchisement which ought to be inflicted in such cases. The right hon. Gentleman says that we ought to have some defined and invariable rule—I presume he means as to the character of the punishment, for he cannot mean that all offences of this kind, whether great or small, should receive exactly the same amount of punishment. It would be a proper subject of consideration for the House whether in some instances there should not be absolute and in others only partial disfranchisement. After the passing of the Reform Act the attention of Parliament and the country was directed to this subject, and at length we adopted a machinery, which is formal, solemn, and of a very costly character, by which you have a judicial inquiry as the foundation of your subsequent proceedings. We have now got before us one of the first Reports consequent on such an inquiry, and we are called on to declare how we intend to deal with those Reports. This is a question of great importance. The hon. Member for Norfolk (Mr. Bentinck) declared his intention to deal severely with cases of bribery. He has on former occasions shown his indisposition to extensive—perhaps to any—changes in the constitution of Parliament. An opponent of Parliamentary Reform in general, he would be just and severe in dealing with particular cases of electoral corruption. I do not know whether some of those who are most friendly to sweeping changes in the constitution of this House may not be favourable to the issue of this writ, because they may consider that to treat such cases lightly may stimulate in the nation a desire for extensive and organic changes. But let the House see the serious alternative before it. If the country is little disposed to deal with the general question of disfranchisement it becomes doubly necessary that we should deal gravely, severely, and effectively with particular cases of disfranchisement. But if we are to say when particular cases of gross corruption come before us, established by indubitable evidence, that the writ may issue, as is now proposed with regard to Wakefield, then I say that is a mode of proceeding which this House, great as it is, cannot afford to pursue without forfeiting much of the esteem, respect, and confidence of the country.

Mr. MACAULAY said, the speech of the right hon. Gentleman had not disposed him to vote against the Motion, more particularly as the right hon. Gentleman and his Colleagues seemed to arrogate to themselves a peculiar regard for the preservation of electoral purity. He denied that these were first Reports of Royal Commissions. Commissions had, in fact, been issued so far back as 1853, and there had been half a dozen or half a score towns which had been visited by them. When the noble Lord said that after the issuing of a Commission, and the Commission had reported they ought to punish the borough or the Commission was of no use. He would remind the House in the first place that the foundation of the inquiry by the Commissioners was absolute impunity and indemnity of all the parties who gave the information. In the next place, in all cases where Commissions had been issued the elections which had followed them were not marked by those practices which had called the Commissions into existence. This showed that the Commissions were not entirely without their value in eradicating the evil which they were intended to correct.

Mr. HODGSON hoped the House would allow him to give some explanation of an insinuation which had been thown out against him by the hon. Baronet the Chancellor of the Duchy of Lancaster. The hon. Baronet had stated that the reason why the Attorney General had not directed a prosecution against him for bribery at the election for Berwick-upon-Tweed was that a material witness had absconded. Now, the hon. Baronet, who lived within a few miles of that borough, might have known the fact that the witness to whom he referred had not at the time absconded; he was resident in Berwick, was there now, and had been for weeks. So far from his shirking any evidence brought against him, he had from first to last taken every means in his power to challenge investigation into his conduct. The witness had been already tried at the Old Bailey, being prosecuted by the Attorney General; and it was at his instance that he had been enabled to meet that trial, which ended in an acquittal.

Sir GEORGE GREY denied that he had made any insinuation against the hon. Member. What he stated was that the Attorney General had prosecuted in two cases in which the candidates had not received the certificate from the Commissioners, and that in one of the cases the prosecution failed from the refusal of a witness to answer the questions put to him; and with regard to the hon. Member for Berwick, he stated that the Attorney General was justified in not prosecuting by the fact that the witness had absconded. The hon. Gentleman said he knew that the witness had not absconded. He only regretted that the hon. Gentleman did not give that information to the Attorney General.

SIR WILLIAM JOLLIFFE said, the arguments of his right hon. Friend the Member for Buckinghamshire had not in any way been answered. It was a new thing altogether to say that there was a Bill on the Table to meet the present case, after the statement of the right hon. Gentleman the Secretary for the Home Department, the other night, that the Government would consent to the issue of the writ.

SIR GEORGE LEWIS said, that as several hon. Members had adverted to what had fallen from him on the last occasion, he begged to explain what he really had said. The House on that occasion did not seem disposed to enter into the question of the issue of the writ, and a series of Adjournments had been moved. He knew from experience that Motions of that sort were not very agreeable to the House, and it was always unpleasant to the Government to take part in Motions the effect of which was the retardation of public business. He had, therefore, proposed that the division on the Motion for Adjournment should be taken as indicating the disposition of the House, and that no division should be taken on the Motion itself when it was put. Well, if the House had been disposed to adopt that course he should have acquiesced in it. But that was not the case. Hon. Gentlemen continued to move Adjournments, and the consequence was that the Government, not being masters of the majority of the House, acquiesced in what appeared to be the wish of the majority. It was not possible, therefore, to adopt the suggestion he had thrown out. It was a mere matter of convenience, and he saw no inconsistency between the suggestion he had made and the course which the Government had eventually adopted.

MAJOR EDWARDS said, that although he had listened very attentively to this discussion, he had not heard any substantial reason adduced to justify the exceptional mode of proceeding that had been adopted with reference to Wakefield and Gloucester. His connections with the West Riding of Yorkshire enabled him to speak with certainty respecting the first-mentioned constituency, which had a strong claim on the House from its numbers, wealth, and intelligence. He had been very much surprised at the attack which had been made upon him by the hon. and learned Member for Reading. It was the first time, in the whole of his experience in Parliament since 1847, that he had heard of an hon. Member being censured for not making a long speech at two o'clock in the morning; and when he had been as long a Member of that House, he would have learnt, that if not usually impracticable, at all events such an attempt would be injudicious and indiscreet. He had been more astonished still to find that the hon. and learned Gentleman, in the speech he had made, stated the matter which he (Major Edwards) had made use of was irrelavent and inconclusive. He would say farther, that he never was more astonished in his life than when he heard the hon. and learned Gentleman, who had been a personal friend of Mr. Leatham, and supposed to be an active partisan in the Wakefield election, was placed at the head of the commission by the present Government. He was the last man in the world that ought to have been appointed to that Commission, and he said it advisedly, the fact had given the greatest dissatisfaction to the inhabitants of Wakefield and the district. The justice of the report of that Commission was therefore disputed, and this he had no hesitation in stating in the face of the House of Commons. With regard to withholding the writ, it had already been withheld two years, although it had been asserted that less than one-eighth of the constituency of Wakefield had been charged with corrupt practices, and yet 20,000 persons were to be punished for that small fraction of the inhabitants. Such a punishment savoured of injustice, if not vindictiveness, and was unprecedented. Since the Reform Bill he believed no writ had been withheld for so long a period, and it is especially hard in the case of Wakefield, for it is the first time any proceedings have been taken against the borough on the ground of corruption, while other boroughs have frequently been the subject of inquiry. The register is now almost entirely purged of the guilty parties, and 200 new electors are now enfranchised. They had heard for the first time this evening something about legislation on the subject, and the country would, he felt confident, receive with enthusiasm any well digested measure that the Government thought fit to introduce for the prevention of bribery and corruption. Why did not the Government

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bring in such a Bill at the commencement of last year? Why did they wait until this moment, when they found that one-half of the House of Commons was prepared to vote for the immediate issue of the writ for Wakefield? Why did they now, at the eleventh hour, come down on their knees and beg hon. Members to withhold their votes, to give them a last opportunity to produce a Bill that would satisfy the House of Commons on the subject? It was a sop to certain Members who would only be too happy to have an excuse for voting against the issuing of the writ, and such was the object. There was one thing, nevertheless, the Government never could get over; the Home Secretary had stated in the presence of the Prime Minister and his colleagues, and he (Major Edwards) hoped it would go forth to the country—he had stated that if the Government were beaten on the second division on Friday last, he would withhold all further opposition, and that the writ for Wakefield should be issued. He now called upon the Government as a point of honour to fulfil their pledge, and to let no quibble interfere with its performance.

Mr. Serjeant PIGOTT begged to say that he had never had anything to do with an election for Wakefield, and that he never could have been a partisan, as alleged by the hon. Gentleman who had just spoken. The only thing that he could remember in connection with the borough was that he was once counsel for the brother of one of the candidates. There must be some mistake. He had enjoyed the friendship of the hon. Gentleman himself up to that moment, and he was sure he should not have done so if he had been so unworthy as the hon. Member imputed to him.

Question put,

The House *divided*:—Ayes 123; Noes 173: Majority 50.

House adjourned at a quarter after Two o'clock, till Monday next.

HOUSE OF LORDS,

Monday, July 8, 1861.

Minutes.] Public Bills.—1ª Inclosure (No. 2); Industrial Schools (Scotland); Industrial Schools.

2ª Boundaries of Burghs Extension (Scotland) Act Amendment; Volunteers Tolls Exemption; Annoyance Jurors (Westminster).

SUBDIVISION OF DIOCESES. BILL.

Lord LYTTELTON said, that no counter Motion having been made the other evening, the decision of the House was simply to negative the going into Committee on the Subdivision of Dioceses Bill at that time. The Bill still stood for committal, and he or any other Peer could move that it be committed. He did not, however, intend to move any further in the matter either in this or in any future Session. He had been advised in the course of the discussion to resume the subject. Whether the advice was given in earnest or not he did not know, but he did not intend to follow it, being convinced that no independent Peer or Member of Parliament could legislate on these Church questions with any hope of success. With regard to the vote of the House he believed it was the single instance in which, after allowing a Bill to be referred to a Select Committee, and after it had been fully considered by a Select Committee, they had refused to allow it even to go into Committee of the whole House.

EDUCATION—REPORT OF THE COMMITTEE OF PRIVY COUNCIL.

QUESTION.

Lord LYTTELTON begged to ask the President of the Council, Whether the Government intended to propose any Measures in Parliament, or to issue any Minutes of the Committee of Privy Council on Education, in pursuance of the Report of the Education Commissioners; and to draw the attention of the House to some parts of that Report? The noble Lord said that he purposed to detain their Lordships on the first question but a very short time, inasmuch as he presumed the intention of Her Majesty's Government on the Educational question would be made known in the other House of Parliament when the Votes for educational purposes came on for discussion. As that might, however, be at a period somewhat distant it might be useful to obtain from the head of the department in their Lordships' House some notion of what the Government intended to do. The measures which had been suggested by the Education Commissioners in their Report were of two classes. Some of those measures—perhaps only a few—required the interference of Parliament to enable them to be carried into effect; while the second class might be effected through the action of the Committee of Privy Council on Education. One of his objects was to obtain from the noble Earl an assurance that in regard to questions of difficulty there would not be at present any important alteration. Every one who had read the Report of the Commissioners must be aware that there were points raised in it upon which very great differences of opinion existed, and with respect to them, he was very desirous to hear that it was not in the contemplation of the Government to make any important alteration, at all events, until the next Session of Parliament. He was afraid that some uncertainty and want of confidence still existed with respect to the Committee of the Privy Council in consequence of a practice which had been sometimes pursued of making an Order in Council on educational subjects soon after the rising of Parliament, when there was no opportunity given of questioning its expediency. It would be very satisfactory both to the House and the country to know that no such course was intended to be adopted on the present occasion. Not only was the Report of the Commissioners in itself a very long document, but it was accompanied by five bulky volumes of evidence, and by a most able treatise from the pen of Mr. Senior, which it had given him (Lord Lyttelton) the greatest pleasure to read; but it was impossible that many of their Lordships, and least of all his noble Friend the President of the Council, should have had time to wade through that mass of evidence. He wished to advert to some few of the topics dealt with by the Commissioners, and to some omissions, but not in any hostile spirit, as he considered their Report to be one of the most able and luminous documents ever presented to Parliament. He was ready to express his almost unqualified approval of the whole of the recommendations contained in the last five paragraphs, and with regard to the last, referring to State schools, as there could hardly be any difference of opinion about it, he should rejoice to hear that something was being done in order to carry it into effect. As was said by Mr. Senior, the question of pauper education was peculiar from the magnitude of the evil and the certainty of the remedy by the establishment of pauper schools. Nothing was wanted but to take away the option from the boards of guardians, and by the authority of the Government or the Poor Law Board to establish these schools throughout the country. He had a doubt with regard to the 37th Section of the recommendations of the Commissioners, relating to what was known as Denison's Act, enabling guardians to pay for the education of children of paupers. What the Commissioners and Mr. Senior dwelt upon was that the Act was erroneous, and, indeed, futile, inasmuch as it prevented boards of guardians insisting upon children being sent to school as a condition of out-door relief. They suggested that the guardians should be required to insist upon children being sent to school as a condition of out-door relief, and in this he agreed. The objections raised against the recommendations of the Commissioners were in a great measure confined to the first and second chapters. The noble Duke (the Duke of Newcastle) would remember that sometime ago, in a debate in that House on the ragged schools' education, the question of county rates had been raised incidentally, and he might be glad of the opportunity of dealing with it. In the section of the Report bearing on this point it was not very clear whether the general conditions under which the Government now gave assistance were to to be continued under the new system. It seemed that the Report recommended that the grants made to the public should be divided into two classes—the first according to the present system, which came out of the general taxation of the country, the second out of the county rate. And that no school should participate in those grants which did not comply with certain conditions, which conditions, were drawn out in a somewhat imperfect manner. He believed, however, that while the schools now in connection with the Government were to remain as they were, and the inspector was not only to report upon the state of the school with regard to secular, but as regarded the Church schools with respect to religious education, it was intended that other schools should be inspected by a different class of inspectors, to which alone the charge upon the county rate should refer. With respect to them there was to be no condition whatever with respect to religious teaching, but the children were to be examined in reading, writing, arithmetic, and plain work; and if these conditions were complied with the school was to receive a very considerable subsidy, indeed, out of the county rates. Assuming that to be the basis of the system, the question was whether such a plan would avoid the well-known objections to the rating system. Those objections were very clearly stated both by Mr. Senior and Sir James Kay Shuttleworth. He must say, however, that when it was said to throw the expense of the education of the children of a county upon the county rate would lead to something like the confiscation of the property of the ratepayers. If there were no other difficulties in the way, if there were nothing but the interests of justice to consider, nothing would give him greater pleasure than to see this confiscation—which would amount to something like 2*d.* in the pound—carried into practice, because they must all be well aware how scandalously the charge of educating the poor was evaded by much of the property of the country, and thrown only on those who voluntarily undertook it. Mr. Senior conceded the whole principle when he proposed that in what he called the apathetic districts there should be rates for education ; but if that were once begun they would not be able to exempt any place from rating for this purpose. He (Lord Lyttelton) should be glad if he could see that it was possible to throw some part of the burden upon the rateable property of the country, but practically there were known to be very grave objections to it. How, it had been asked, could such a charge be levied without a change which would transfer the educational management to the ratepayers ? In a paper drawn up by the Dean of Carlisle among the evidence before Commissioners he said that he stood aghast at any man who, knowing what he knew of the ratepayers of the country, proposed in any manner to throw any part of the care and management of the education of the people upon them. He (Lord Lyttelton) believed that there was much truth in that. Beside the objections to introducing a rate of this kind, it was a very serious question whether it was right to hold out such very great benefits to these schools upon such very low conditions. Sir James Kay Shuttleworth said this form of grant would be found operating, as far as it went, as a premium on discarding certificated teachers and pupil teachers, and on the limitation of instruction to reading, writing, and arithmetic. With regard to the last recommendation of the Report, he thought it of doubtful expediency. It was stated with great brevity in these words :—"Certificates are to bear no pecuniary, but only an honorary value." At present the certificates which bore a pecuniary value were mostly attained in training schools by pupil teachers, who had served their apprenticeship, and had undergone a severe examination ; and, as the result of those certificates, they became reasonably sure for the time of their service of a certain fixed increase to their salaries received from the Government. The Commissioners proposed that those certificates should be simply honorary, and should give them no claim on the Government whatever; so that they should be left to make their own bargain with the school managers, receiving nothing direct from the Government. He could not believe that such a regulation, if adopted, would apply to the present schoolmasters, though, of course, the Government would have the right to apply it in the case of future schoolmasters. He thought, however, that such an arrangement would be looked upon by the schoolmasters as taking away almost the whole value of their connection with the Government. At present they received a fair salary from the managers besides what they obtained from the Government; but if this proposal were adopted their salaries would be likely to be ground down by the school managers, while they would get nothing from the Government. In the interest of the training schools he confessed that he looked with apprehension upon the recommendation, believing that these establishments would be deprived of the chief source from which they obtained their pupils; and on this point he should be glad to have some explanation from his noble Friend. He would now touch on one or two points which were omitted from the Report. A point of great importance, originally suggested by Mr. Chadwick, and adopted in the work of Mr. Senior, was an alteration in the arrangement of the school hours, by which about one-half of the time now given to ordinary school pursuits would be devoted to certain physical exercises, military drill, and occupations of that sort. On this point he expressed no opinion, as he did not see his way clearly ; but some striking evidence had been collected by Mr. Chadwick, and possibly some change in this respect might at a future time be considered desirable by the Government. There was another omission on a subject which occupied a whole chapter in Mr. Senior's work, and had reference to what that gentleman called "the unregulated trades," meaning thereby those trades to which the Factory Acts did not apply in respect of education. The Commissioners found themselves obliged to limit their inquiries to certain specimen districts, in which it happened that the worst cases of these unregulated trades were not included. They were chiefly the glove, lace, and stocking manufactories of Notinghamshire and Leicestershire. He was not acquainted with the details of the subject, but it was impossible adequately to express the disgust and indignation that every one must feel on reading Mr. Senior's description of the condition of the children in these manufactories. Mr. Senior was not a man to employ rhetorical or exaggerated language; but he said, "We look with indignation on the pictures of American slavery; but I believe that the children on the worst managed plantation are less overworked, less tortured, better fed, and quite as well instructed as these unhappy infants." He regretted that these trades had been exempted from the regulations of the Factory Acts. He believed that the evidence on which these statements were made was collected some years ago; but Mr. Senior asserted that the same evils till existed. He did not know what might have prevented the noble Earl (the Earl of Shaftesbury) who had taken such an interest in the former Factory Acts from applying his mind to these trades; he was unable to see any difference between these works and those that had been regulated, or why the same provisions should not apply to one as to the other. He hoped that before long this question of the unregulated trades would be brought fully under the consideration of the House.

Earl GRANVILLE was understood to say that he would only answer the questions as to the intentions of Government, and would leave his noble Friend the Chairman of the Commission (the Duke of Newcastle) to reply to the noble Lord's observations on the Report. The department with which he was connected had carefully considered the recommendations of the Report. He concurred in many of the observations of the noble Lord, but he did not think that the recommendation as to borough and county rates had been thoroughly considered, and there was no intention at present to bring in any Bill to carry out the recommendations of the Commissioners in that respect. With regard to the better administration of the system he had felt some difficulty how to act; but what he proposed to do was this, which he thought would be satisfactory both to Parliament and the country. He thought he should be enabled in a short time now to lay on the table of both Houses of Parliament a Minute framed on certain recommendations of the Commissioners, and that Minute would be chiefly directed to the simplification of the business of the Council Office as related to schools and the appointment of teachers; and they hoped to be able to suggest something which would meet a crying evil, and give assistance to schools in what were called the poorer districts in the country. The Government, however, in preparing this Minute would do so with any intention of taking immediate action, but with the purpose that it should be laid before both Houses of Parliament for consideration.

Lord BROUGHAM was in favour of a borough rate; but, in the question of public education, there had always been a great difficulty on this point. He had himself brought in two or three Bills on this subject, and one Bill was proposed by Lord John Russell; but these measures were confined to a borough rating only, and did not refer to a county rate. The difficulty was in the disposal of the rate, and the restrictions under which it should be applied. By his Bills the municipal body of the town empowered to raise it were to apply it under the control of the Government, as represented in the Education Department of the Privy Council. The short time system for children would be of great advantage for the promotion of education. Some forty years ago he had made use of an expression which had since become proverbial, that "the schoolmaster was abroad," and last year, at the meeting of the Social Science Congress at Glasgow, he added to that expression by saying that not only the schoolmaster, but the workmaster also was abroad. That expression had given offence to some manufacturers, who understood it as implying that they were unfriendly to the cause of education. That, however, was not so, but the expression was intended as a lamentation over the children and their parents, who could not afford to keep them at school for a sufficient time. A half-time system for children would be of vast importance, because if they were allowed to attend school three hours a day less than at present there would be less temptation to the parents to keep from school. The children could then spend three hours a day at school, but even two hours a day would be of great use. Mr. Chadwick's name was well known to their Lordships from his great and most useful services in the establishment of the New Poor Law, and afterwards in the Sanitary Department. He had acted as President of the Education Department in the Social Science Congress at Bradford two years ago; and in presiding over their discussions had brought forth much valuable information. This he printed in a Report, which being shown to one of the Commissioners whose Report was now before their Lordships, and who attended the Congress at Bradford, he requested Mr. Chadwick to prosecute the inquiry and attend at the meeting of the department. Mr. Chadwick did so, and went over the whole West Riding, examining every school and manufactory and communicating with both the great manufacturers, and the school inspectors, and medical men. The result was an ample confirmation of the opinions expressed at the meeting of this department, that three hours spent at school were amply sufficient; and even two hours, if taken early in the day, very beneficial; while the other three hours of the day taken from work should be spent in healthy exercise. The result of his inquiries and observations was communicated to the Commission, who said it was worth all the other information which the Commission had received. Unfortunately it was given in too late to be inserted in the Report, but Mr. Chadwick's paper had been moved for by his noble Friend (Lord Monteagle), and would very soon be in the hands of their Lordships. There was another subject of great importance to which he wished to call attention—the subject of middle-class education. The Session before last he had presented 120 petitions, signed by 40,000 persons, claiming for middle-class children better schools, and that there should be an extension of the system of inspection to grant certificates of ability and good conduct to schoolmasters for the middle class. The noble Earl upon that occasion raised a very reasonable objection on the score of want of funds; but still it was of the utmost importance that middle schools should be better managed, and that all the benefits should accrue to them which did accrue from a system of inspection. He made a calculation that the number of children of the middle class was 120,000, taking the middle class to represent those with incomes between £120 and £1,000 a year. A right rev. Prelate had objected that the range was too wide, and suggested £150 and £500 a year, and which would show about 80,000 or 90,000 children. The middle class was the class most neglected of all in respect to the means of a good education. Men were not allowed to practise as physicians, surgeons, or apothecaries without undergoing a full examination as to their qualifications for the duties they undertook to discharge. Was it less necessary that those who engaged in the task of instructing and training the young should be subjected to some public test of their fitness for their most important vocation? The extension of the compulsory principle now applicable to factory children had been recommended by some; but that was a point surrounded with considerable difficulty, and the Government had, perhaps naturally, hesitated to deal with it. The suggestion, however, which he was now making was of a very different nature, because he did not propose that every middle-class school should be compelled to come under Government inspection; but merely that any such school placing itself under the Privy Council should enjoy all the privileges and results of their system of inspection. A scheme propounded by Mr. Chadwick for the union of parishes into districts, with a view to the improvement of the education of their children, was of the highest importance; and his report threw valuable light on that subject. To show the difference between the schools carried on under the old plan and those conducted under the new system, in which the reduced number of hours and other improvements were combined, he might mention the fact, based on the evidence of Mr. Tufnell, that of the pauper, orphan, and other children who had passed through the former class of schools, as many as 60 per cent were found, on tracing their subsequent careers, to have lapsed into habits of mendicity, and sometimes even worse; whereas, under the new and improved schools, the proportion of scholars who had turned out ill was only 2 or 3 per cent. Mr. Hastings, the Secretary of the Social Science Association, had printed a report from the Law Amendment Society some years ago strongly recommending that which the Report of the Commission now before their Lordships proposed—namely, the transfer of inquiry as to charity abuses from the Court of Chancery to some other tribunal. Vice Chancellor Page Wood had presided over the meeting which adopted that report, and he recommended sending these cases to the

Charity Commission. But the Society's report preferred the Judicial Committee.

The Duke of NEWCASTLE :—My Lords, I can assure your Lordships that it is as satisfactory to as I am confident it will be to those who have been associated with the Education Commission to have heard the ample and generous testimony to their labours which has been borne, both by the noble and learned Lord who has just sat down, and by my noble Friend who has introduced this discussion. I may say at the same time that, although in some instances there has been, in my judgment, somewhat of over-suspicion of the motives and intentions of the Commission, yet on the whole their Report has been received by the public generally with a candour and fairness most honourable to the country as it is gratifying to the Commissioners. The testimony given by my noble and learned Friend is especially important, as coming from one who has for upwards of forty years laboured so earnestly in promoting the cause of education, and who espoused that cause in days when the education of the lower classes was by no means so popular as now, and, by doing so, gave it a powerful stimulus. My noble Friend near me (Lord Lyttelton), too, has bestowed much attention on this subject, both theoretically and practically, and has furnished, as will be seen from the volume on your Lordships' table, most valuable answers to a series of questions which were sent out by the Commissioners to different persons. Before proceeding further I may, perhaps, touch on what the noble and learned Lord and my noble Friend seem to think are omissions from the Report. First, my noble and learned Friend complained that the Commissioners have omitted all reference to middle-class education. But, my Lords, if that question has not been dealt with by the Commissioners, it is not from any want of appreciation of its importance, but simply because it did not properly come within the scope of their instructions, which were directed to the mode of improving the means of elementary education. My noble and learned Friend has lately presided at a public meeting, the measures proposed at which will be influential in improving and developing middle-class education—a matter which certainly has been of late somewhat overlooked in the earnest and laudable zeal that has been shown in regard to the instruction of the humbler classes. Both those noble Lords have also complained, or rather remarked, that the Commission has omitted all reference to the short-time system, as proposed by Mr. Chadwick. Now, not only did the result of Mr. Chadwick's labours come before the Commission rather late, but the subject itself has not attained that state of completeness and maturity in which it could have been advantageously dealt with either by the Commission or by the Committee of Privy Council. The noble Baron who introduced this discussion has himself confessed that he does not see his way to any practical results on this subject. The question is, doubtless, most important and interesting, but it is yet full of difficulty. One of its difficulties, in particular, ought certainly not to be lightly regarded. Mr. Chadwick's scheme was that the instruction of the children in the schools should henceforth be limited to three hours a day. Mr. Chadwick, of course, felt that the question immediately arose, "What is to be done with the children during the remaining hours of the day? Are they to be allowed to run loose about the streets?" I am not now speaking of children employed in factories or engaged in other industrial pursuits. Mr. Chadwick proposed that the children should spend three hours more in drill, gymnastics, and similar exercises. At present there are in most of our great towns schools which have attached to them no such provision for the exercise or recreation of the children, and unless it could have been arranged how such cases were to be dealt with, it would not have been becoming in the Commissioners to throw out haphazard a number of recommendations for which they saw no practical result, and leave to others to carry them out. The third point noticed by my noble Friend is, that the Commissioners have omitted to make any recommendations as to what are called the non-regulated trades. My noble Friend has referred to the work of Mr. Senior. I have not been able to read that book, but, having sat so long as the colleague of Mr. Senior, I am generally acquainted with his views upon this particular subject, to which he had paid so much attention that probably he might be better prepared than were any of the other Commissioners to make recommendations upon it. My own opinion is that the Commissioners, although they have not overlooked the subject, did right in making no specific recommendations for the extension of legislation to the non-regulated trades; but they have shown in their Report that the subject was not lost sight of. The course of legislation upon this subject has been gradual and progressive. When legislation was first attempted it was not only distasteful to, but was actually dreaded by, employers of labour. Now, however, a different feeling prevails, and we have gained experience which promises to secure a safe and gradual advance in that course. Last year that legislation was extended to collieries and mines, and there is now before the House of Commons a Bill extending it to lace factories, which has been introduced with the consent of the lace manufacturers themselves. My noble Friend who introduced this subject said that to the large proportion of the recommendations of the Commissioners he gave his entire and cordial support. In making that statement, he appears to have referred to the fifty-one specific recommendations at the end of the Report, and to have, to a certain extent, separated them from the Report. Those recommendations are, however, based upon the body of the Report, in which the reasons and arguments in their favour are set forth, and where the noble Baron will find any explanation of them which he may desire. Those fifty-one recommendations are ranged under nine heads. The first head deals with evening schools, to the extension of which the Commissioners attach great importance. The second relates to charities, a subject which I hope will attract so much attention from the public that the Government may be able to deal with it before very long; because I believe that there are many charity funds which are now misapplied—indeed, applied to evil purposes—which might be diverted to making provision for the general education of the people, to their great advantage, and incidentally to the great relief of the public purse. The third head of recommendations relates to children employed in factories; the fourth to pauper children; the fifth to vagrant and criminal children; and the sixth to those schools which are supported by the funds of the State for the education of the children of soldiers and sailors. With all the recommendations included under these heads the noble Baron has expressed his concurrence, except one as to the education of pauper children in district schools. My noble Friend has asked whether, under the plan as proposed by the Commissioners, the religious inspection of Church of England schools will be continued as it has heretofore existed? My reply to that is, that, under the scheme proposed by the Commissioners, that inspection will be continued. A majority of the Commissioners have recommended that the Privy Council inspection should be confined, as in Dissenting and Roman Catholic schools, to the general efficiency of the establishment, and that the inspection of the religious teaching should be left to the diocesan inspectors who were already or would shortly be appointed in all the dioceses of the country. It is right, however, to mention that, while four of the Commissioners held that view, three were of opinion that the proposed system would not secure proper inspection, and would lead to a disregard of religious instruction. My noble Friend has also referred to the recommendation of the Commissioners that the certificates given to teachers by training colleges should bear no pecuniary value, but should be mere honorary distinctions; my noble Friend asked whether this recommendation was to apply to existing schoolmasters, and appeared to be, as he understood many of the schoolmasters also were, under the apprehension that injustice would be thereby committed. The recommendations of the Commissioners were as follows—

> "One alteration in the nature of the certificates given to the students in the training colleges will follow from the recommendations which we shall make and explain in the subsequent part of our Report, that all annual grants be paid to the managers in a single sum, to be expended at their discretion for the purposes of the school. They will then make their own bargains with the master, and the certificate, instead of having a money value, will be a testimonial of conduct and ability, issued by an impartial and competent authority."

My noble Friend must of course bear in mind that, while it is right that the schoolmasters should be dealt with fairly, the usefulness of the schools is the main point to be considered. The Commissioners had the strongest evidence that a certificate, though always regarded as a proof of acquirements, was not in every case a test of the efficiency of the holder as a schoolmaster. Mr. Cooke, one of the Inspectors, reported that some of the best teachers in his district had either no certificate or else an old one, and that some, not remarkable for efficiency, had comparatively high certificates. Mr. Jones also stated that in Wales a certificate was "no sure index of the merit of the holder as a schoolmaster." It is further very important that all the funds given by the State should be concentrated into one grant, to be placed at the disposal of the managers. I believe that no injury will be done to the holders of certificates by the proposed arrangement, because they will obtain the same amount of money under the new system, though in a different form, as at present. I readily admit that, if that should not be the case, the interests of the schoolmasters who are already appointed ought to be considered, as it would not be fair to place them in a more disadvantageous position than when they entered the service. With regard to the rating plan, the main reasons upon which the Commissioners made their recommedation were as follows:—The first was the expense of the present system and the probability of its eventually creating such a feeling in the country and in the House of Commons as would lead to its sudden break down. The second was the necessity for a simplification of the machinery of the office, if the system was to be extended. The third, and by far the most important reason, was that in the opinion of the Commissioners the so-called "national" system was by no means national in its extent, as large districts were left unprovided for, and as the schools which did not receive any benefit from it were far more numerous than those which did. As to the first of these reasons, if the question were merely one of the expenditure of a million or so, which could certainly be maintained under all circumstances, I believe no money could be better spent, and that it might safely be drawn from the Imperial Treasury. The tendency of the system has been, however, towards annual increase. There has been a slight decrease, no doubt, of late, but that diminution will be rapidly turned into a further increase. After a most careful investigation, the Commissioners, presuming that the system was to continue as at present, arrived at the conclusion that the extension of the general system to the whole country would cost £1,300,000 if the unassisted public schools alone were brought under it. If the system were extended, as they thought was necessary in order to make it complete, to private schools, the expense would amount to £1,620,000, which, making allowance for an increase of 20 per cent in the number of scholars, would soon rise to £1,800,000. Including the capitation grants which were commenced two or three years ago, and other expenses which must naturally arise in course of time, the whole expense may be estimated at not less than £2,100,000. That calculation is rather under the mark than over it, Dr. Temple being disposed to estimate the cost at £5,000,000 yearly. The great thing to be feared is a sudden suspension of supplies. We must remember that, as Sir Robert Peel has said, the House of Commons is subject to hot fits of violent extravagance, when they will vote money for any purpose; and to cold fits of economy, when they cut down Votes without regard to the character and requirements of the service for which they were asked. I, for one, fear that the House of Commons, in one of its cold fits, is quite capable of reducing the Education Vote of £2,000,000 to £1,000,000, and thus paralyzing partially, if not completely, the education of the country. I, therefore, wish the whole system to be established on as economical a basis as can be devised. Sir James Kay Shuttleworth, who objected to the recommendation of the Commissioners with respect to rating in a letter to the President of the Council, has acknowledged that it was his sense of this danger in the existing system which led him to support the introduction of the Manchester system, which involved rating. Then as to the second point. Mr. Lingen, who is a most competent authority, and to whom we are much indebted for the management of the present system, has expressed his opinion that it could not be carried further without danger of breaking down, unless material alterations were made. The whole of their inquiries on that subject satisfied them that some change was necessary. I now come to the third and most important consideration—the inadequate number of schools assisted. I feel confident that your Lordships, or at any rate those of your Lordships who have not looked into the statistics or read the Reoprt, will be surprised at the facts and figures which I shall now state to you. The number of public schools assisted by the Committee of Privy Council is 6,897, containing 917,255 scholars. The number of public schools unassisted is 15,952, containing 654,393 scholars. But this is not all. As long as private schools are not abolished, they are recognized as good of themselves, though not, perhaps, as good as public schools, and it should be the object of the State to give encouragement to the improvement of those schools, which is now entirely wanting. The private schools, also unassisted, contain 573,536 children. I may add to this the Birkbeck schools, the factory schools, and that class of schools which has attracted so much attention—the ragged schools, and others, also unassisted, which contain 671,393 children. So that we have upwards of 1,800,000 children in schools totally unassisted by the funds of the State, while the scholars in assisted schools number only 917,000. Is not this a proof that some alteration is wanting? I do not say that the alteration which we recommend is the best. It is the best which has occurred to us after most careful consideration. But I do say that we ought to search for some scheme, and that if we find a scheme, good in itself but surrounded by difficulties, we ought to encounter those difficulties and endeavour to carry out such a scheme to a successful issue. The schools to which no assistance is given exist not only in the large towns, but to a much greater extent in the country. I am sure your Lordships will be equally surprised to hear a statement of the small number of assisted schools in parishes with less than 600 inhabitants—a state of things arising from their being unable to meet the State requirements. In Oxfordshire there are 339 such parishes, and only 24 schools receiving Government aid. In Hereford there are 130 such parishes, and only five schools; in Devon there are 245 such parishes, and only two schools; in Wiltshire there are 159 such parishes, and only nine schools; and in the county of Somerset 280 such parishes, and only one school receiving Government aid. This is not a state of things in which we can maintain that the present system is perfect, or that we ought not to seek material alterations. My noble Friend who brought forward this question said, in one of his answers, there are immense tracts of country in which Government aid is utterly unknown. He stated this without the facts being before him which we have collected and I have now given, and in doing so he made a completely accurate statement. The cause is that the Committee of Privy Council have been unable to adapt their requirements to meet the wants of what are called the "poor parishes." They may go by any name you like. They are not poor as regards rental in many instances, but they are poor as regards the means of coming to the Committee of Privy Council. Whether it arises from actual poverty, from apathy, or any other cause, they do not provide the means which are required by the Committee of Privy Council as conditions for their aid. We have tried over and over again to devise means of meeting these cases, but it is found impossible to render aid without transgressing the regulations and conditions by which the Committtee of Privy Council are bound. These conditions cannot, I believe, be materially reduced if we are to keep within any decent bounds the amount of expenditure. The endeavour to provide something for these schools was the origin of the capitation grant. It has met the evil to a certain extent, but it has created evils of itself; and, moreover, it has proved that you cannot reduce the requirements of the Privy Council in particular districts without reducing them in others. You must bring down the requirements of the richer parishes to those of the poorer. You cannot maintain one system for one and another system for the other, because the line of demarcation is so narrow that, bit by bit, the distinction would disappear, and ultimately you would have to pay out of the funds of the State the whole expense, a large proportion of which is now met by the contributions of benevolent people and the children's pence. These are the reasons, and more especially the last, why we seek for some alterations of the existing system. You are rightly told that the system of parochial rating was proposed on various occasions. My noble Friend, differing greatly from myself and other Members of the Commission, thought that such a system was practicable. I confess that I early abandoned any notion of the kind—believing that the system of parochial rating would be attended with such great evils in itself that, for the cause of education, and for the sake of the social condition of the country, we could not possibly recommend it. We felt that if we adopted a system of parochial rating the ratepayers would rightly claim so material a portion of the management of the schools as to raise that fruitful source of difficulty, the religious question. We felt sure that a dispute would inevitably arise between the clergy and the Dissenters, the clergy desiring to have an important control over the schools in which they were concerned, and the voluntaries, with their particular views, of course objecting to such a system. Without entering into many of the objections which may be raised against parochial rating, I think I have stated quite sufficient reason why we could not recommend that system. But we felt that the objection, however great it may be, is not so much one of principle as one of form. We felt that the system of parochial rating is unobjectionable in itself, but that it brings consequences which cannot be separated from it, and that, in order to be effectual, teaching must be left, as now, to the religious denomination to which each particular school belongs. We thought that we might obviate the evil of material interference with the management of the schools by the body of ratepayers—which of course would tell in some instances in favour of the Church, and in others in favour of the Dissenters—by adopting a larger area and throwing the expense on the county rates. We thought that by so enlarging the area as to cover the whole county and by establishing a county board, we should establish an authority much less liable to interference than if we were to confine our operations to more restricted localities, and we would then leave the general management of the schools in the hands of the members of the religious denominations to which they belong. We thought that by these means we might meet one of the great difficulties of the present system, and obviate one of the great evils of parochial rating. We have studiously avoided any recommendation that contributions should be made out of county rates for building schools. That would be as bad in practice as parochial rating; but, while leaving the contributions for building schools to come as heretofore from the Committee of the Privy Council, our proposal is, that the county funds shall be applied to assist in the maintenance of the schools. The results to be obtained by contributions from the funds of the county, which would not greatly exceed 1*d*. in the pound—no very large tax, though it would produce a considerable amount—would be, we believe, that a vast number of public schools would obtain that assistance which they never can obtain from the Privy Council; that many of the private schools, by the inducements held out to them, would gradually qualify themselves for obtaining aid: that a considerable amount of local interest would be created in these schools, without which it is vain to hope for those voluntary contributions, which we believe will be promoted instead of discouraged by county-rates; and lastly, that the efficiency of these schools would be increased, and the *minimum* of education at present given would be raised throughout the whole of the schools. In our Report we say—

> "Such a plan, we believe, would act directly upon most of the smaller schools of the country, not only by encouraging them to improve their teaching, but by giving them that pecuniary *locus standi* which is what they may justly require as the means for raising themselves to the higher level of the Government grant. Thus a school of fifty boys, which should obtain £8 or £10 from this examination would receive both an aid and a stimulus, which would induce it to make greater exertion."

Many persons, I believe, have apprehended that we proposed this as a substitute for the Government grant—or, at any rate, that it would become a substitute for it. That is not our proposal—quite the contrary; but it is obvious that such never could be the result, because the mere fact of a school obtaining this minor assistance would stimulate it to obtain the larger assistance given by the Privy Council. In our Report we say—

> "Nothing could more tend to bring the many neglected districts where the assistance to education is given scantily and irregularly under the legitimate influence of the public opinion of the neighbourhood. The reports of the inspectors can hardly be said to have any public circulation, but Boards of Education in counties and boroughs would publish their annual reports of the examinations of their schools and would secure a more judicious attention to the condition of such schools than any other tribunal we could suggest."

A little further on we say—

> "From the plan of an examination we anticipate the double advantage that, while it will maintain the only sound principle upon which schools ought to obtain additional aid, it will at once stimulate and improve the character of their teaching."

Sir James Kay Shuttleworth and many others who have discussed this subject have objected to what they call the injustice of substituting for an assessment on property of the estimated value of £550,000,000 a charge on the county rate, assessed only on £86,000,000 of property. They say that it is most unjust to relieve the payers of the £550,000,000 of the burden, and throw it upon the smaller contributors. That objection, however, would apply to every species of local taxation—to the police rate and all other local rates. You cannot arrive at a completely just assessment of taxation, either local or general, for any purpose, and I do not, therefore, attach much importance to that objection. I would ask Sir James Kay Shuttleworth, or any other person who has considered this question, whether the present system can be said to be altogether a just one? Can it be just that a vast number of parishes, which contribute to the Privy Council funds through the general taxation of the country, should derive no benefit whatever from them? If you go into the question of abstract justice, I defy any one to say that the last injustice is not infinitely greater than the first, and that it is not most unfair on the enormous proportion of parishes that they should contribute funds for the benefit of the richer and smaller number without deriving any benefit themselves. No doubt, a small additional burden would be thrown on the ratepayers; but, on the other hand, I believe that an improved system of education would greatly relieve the rates. By increasing the intelligence of the people and promoting those virtues which may fairly be said to follow improved education the poor rates and other local taxes would be diminished. Some apprehensions have been expressed as to the feelings of the ratepayers; but, though I should not be inclined to trust them too far at present, yet at the same time I think those apprehensions have been carried to an undue extent. A right rev. Prelate (the Bishop of London) said the other night in the debate on the Bill for the Subdivision of Dioceses that we were unduly apprehensive of the representatives of the people; that for these purposes they were the people themselves, and that if the people desired an extension of the episcopate their representatives would not refuse to assent to such an extension. The same thing, I think, may be said of the ratepayers. They are an important and influential class of the people, and, though I do not say that in their present state of feeling with regard to the dangers of non-education it would be safe to trust them, yet, in the course of years, if we could arrive at an Utopian system, I do believe that it would be far better that the central system should be brought to a close, and that the education of the country should be managed by the local interests rather than from the neighbourhood of Downing Street. We have contemplated no such state of things arising in our time, but we do believe it desirable to engage local interests in the cause of education, while by this plan we maintain all the advantages of the present system. I am afraid that an opinion has been expressed—I hope by very few—but I have heard of it being expressed in the House of Commons, that a disregard of religious teaching has been exhibited throughout by the Education Commissioners, and that it appears in their recommendations. I deny the accusation *in toto.* I am certain it is not a fair charge as regards their language and recommendations, but I am still more confident that it is unfounded as regards their feelings and wishes. Let me call your Lordship's attention to the language of our Report. At page 310 we say—

> "We think also that the existing plan is the only one by which it would be possible to secure the religious character of popular education. It is enough for our purpose to say that there is strong evidence that it is the deliberate opinion of the great majority of persons in this country that it is desirable. Some evidence has already been given upon this subject of the feelings of the parents of the children to be educated. Those of the nation at large are proved by the fact that, with hardly an exception, every endowment for purposes of education, from the Universities down to the smallest village school, has been connected by its founders with some religious body."

A couple of pages further we express our opinion that—

> "The leading principles of the present system are sound, have shown themselves well adapted to the feelings of the country, and ought to be maintained."

Is not that explicit? But your Lordships will perhaps allow me to read a few lines more. We say—

> "Not only does it seem to us certain that the members of all religious bodies would be dissatisfied with any change in this respect, but the fact that religious education has been working with success upon this basis during the last twenty years has given to this principle a position in the country from which any attempt to dislodge it would destroy much that has been gained, and would give a dangerous shock to our system of education."

Now, I think I may be content to rest on these quotations, and your Lordships and the public will probably hold us discharged from the imputation which has been cast upon us by a right hon. Gentleman who usually takes immense pains with subjects of this description, and who does not generally hazard observations without having made himself master of the subject. But, even if I had not been able to quote these particular observations, what is it that pervades the whole book? Do we not recommend the continuance of the denominational system? And what is that system? Is it not a system of education based entirely and exclusively upon religious teaching imparted by the particular denominations in the schools belonging to them, uninterfered with by the State and unmeddled with by the Committee of Privy Council? In recommending this payment from the county rates is it to be supposed that we are departing from some practice of the Committee of Council which has heretofore prevailed? No doubt, we recommend that in the case of this particular grant from the county funds an examination shall be dispensed with except as regards the elements of reading, writing, and arithmetic. But what is now the case in the schools which we want to draw into this system? We say that in those schools, which we think should receive preliminary assistance from the county rates, leading to the greater and more important assistance from the Privy Council, it is desirable that there shall be no examination except in certain elementary particulars. These schools are at present subject to no examination at all, and we want to draw them into a new sphere, introducing in the first place no further examination than that which I have mentioned. It is apprehended by some persons that we are making an inroad upon the present system—that system which, save in its want of sufficient power of extension, to which I have already referred, is working so efficiently and so well. Now, all that is at present required is that the Bible shall be read in those schools which avail themselves of Government grants. So far as the Government are concerned there is nothing in the system at this moment which would prevent a Mormonite school from claiming and obtaining assistance from the Privy Council; it is a system under which those who deny the vital principles of Christianity itself—the Jews—are at this moment receiving assistance. Is it right, then, to make it a charge against the recommendations of the Commissioners, as though they were introducing some frightful innovation, and were proposing some departure from those religious principles which had hitherto guided the education of the poor in this country? The fact is, that it is not the rules of the Privy Council which have created a feeling in favour of the necessity of religious education; it is the religious feeling of the people of England, which has led them to adapt the rules of the Privy Council to religious teaching. I believe not only that the people are in favour of religious teaching, but that they will not submit to any system which does not embrace religion as its foundation, and I say that we have recommended nothing throughout this Report which would prevent the free manifestation of this religious spirit. On the contrary, although we may not throughout this Report have indulged in any fanciful or eloquent phrases upon the value of religion, we have not lost sight of this most important point, but to the best of our judgment we have made such recommendations as in our conscience we believe will most surely attain the desired result.

LORD BROUGHAM explained that his observations which had been commented on applied only to schools in large municipal towns.

THE BISHOP OF BATH AND WELLS having said a few words,

THE DUKE OF NEWCASTLE, in answer, said that what was proposed was that the Government Inspector should in all cases be a member of the county boards. With regard to the schools to be supported out of the county rates, it was proposed that an examination, not an inspection, should be made. The persons who should make those examinations would not be selected from the high class out of which Inspectors were chosen; they would be schoolmasters appointed on account of merit, and those persons would examine the schools in the elementary branches.

House adjourned at a quarter past Eight o'clock till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, July 8, 1861.

MINUTES.] PUBLIC BILLS.—1° Officers of Reserve (Royal Navy); Portpatrick Harbour (Scotland).
2° Turnpike Acts Continuance; Turnpike Trusts Arrangements; Landed Estates (Ireland) Act (1858) Amendment; Landlord and Tenant Law Amendment (Ireland) Act Proceedings; Drunkenness (Ireland).

INDUSTRIAL SCHOOLS (IRELAND) BILL.

QUESTION.

MR. DAWSON said, he wished to ask the hon. Member for Dungarvan, Whether it is his intention to move the Second Reading of the Industrial Schools (Ireland) Bill this day; and, if not, whether he will state his future intentions with respect to that Bill?

MR. MAGUIRE said, that it was his intention to move the discharge of the Order for Second Reading, as he thought he could proceed more effectively with the measure next Session. He should, therefore, move the discharge of the Order.

Motion *agreed to.*

Bill *withdrawn.*

REMOVAL OF PAUPERS TO IRELAND.

QUESTION.

MR. HENNESSY said, he wished to ask the Lord Advocate, If he has now ascertained whether, in the compulsory removal of Rebecca Kearney from Glasgow to Ireland, the several proceedings required by Law were duly fulfilled?

THE LORD ADVOCATE said, he had received from the Clerk of the Parochial Board of Guardians in Glasgow a copy of the proceedings in the case referred to. It appeared to him that they were perfectly regular. He should lay those Papers on the Table in addition to what were already ordered.

THE IRISH CONVICT DEPARTMENT.

QUESTION.

COLONEL DICKSON said, he rose to ask the Chief Secretary for Ireland, Whether he has received a letter containing a Protest against any reduction in the number of Directors of Convict Prisons; if so, how long that letter has remained unanswered, and whether he has since held any communication with Captain Crofton, with a view to the reconsideration of the question?

MR. CARDWELL said, the first proposal was that Mr. Lentaigne should be a Member of the Local Board. Thereupon, communications passed with the Castle of Dublin, the result of which was that, owing to the objections taken, partly by Captain Crofton and others, it was not carried into effect. He (Mr. Cardwell) found from the letter which he had received from the Directors, dated the 7th of May, that on the 3rd of May General Larcom wrote to them that His Excellency did not intend to fill up the vacancy until sufficient time had elapsed to afford the means of judging whether such appointment was necessary. On the 24th, a letter containing the proposal made respecting Captain Barlow, was written to him officially, and as soon as he received the sanction of the Treasury to the arrangement he wrote to the Convict Directors, expressing a wish to receive a statement of the working of the arrangements when a sufficient time had elapsed to enable them to give the results of their experience.

THE NEW FOREIGN OFFICE.

RESOLUTION.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LORD ELCHO rose to move that in the opinion of the House it was not desirable that the new Foreign Office should be erected according to the Palladian design now exhibited in the Committee room of the House. The question to which he was about to direct the attention of the House was one of considerable importance—it was this—whether a large sum of public money was or was not to be properly expended? He owed an apology to the House for having taken up the subject; he had not, like his noble Friend at the head of the Government, made architecture his study, and there were many hon. Members much more competent to deal with the question than he was. The question of the nature of the building to be erected for a Foreign Office was not a new one, but it appeared before them now in a new phase. The question was no longer what should be the architecture of the new Foreign Office, but the special design which had been sent in by the Prime Minister himself. He thought he should be able to show that what he stated was a fact. The drawing was not, indeed, the production of the noble Lord's own hand, but it was as much his work as any Despatch ever written by the hand of a Foreign Office clerk when the noble Lord was at the head of that Department. In 1856 a Committee was appointed to consider the whole question of the Government public offices, the Foreign Office being then, as now, in a very dilapidated state. That Committee recommended that an enlarged view should be taken of the question, that the public offices should be concentrated as much as possible, the new Foreign Office being the *nucleus* round which all the others should be congregated. And they further recommended that there should be a general competition for designs. Architects from various parts of Europe competed, and a very large number of designs—upwards of 200—was sent in. Subsequently a Commission was appointed to consider those designs, and it recommended that premiums should be awarded to seven of them. Of those premiums four were awarded to Gothic, and the remaining three to Italian and other designs, including, he believed, a Renaissance. After that Mr. Pennethorne, architect of the Department of Works, was consulted, and entrusted with the preparation of a design—a decision which had justly given rise to a great deal of discontent among those who had received prizes; and this state of things led to the appointment of a Committee of that House, of which he had the honour to be a member. That Committee declined to give any opinion as to the style which should be adopted—they merely inquired into the comparative cost of the different styles—but they made this recommendation—that in the selection of the architect a preference should be given to the successful competitors. At that time the noble Lord the Member for Leicestershire (Lord John Manners) was at the head of the Board of Works, and he took upon himself to decide the question of style, and declared himself to be in favour of the Gothic design of Mr. Scott. The noble Lord the Member for King's Lynn (Lord Stanley), who was then at the Indian Board, communicated with the First Commissioner of Works on the subject of a new Indian Office, and thinking it desirable that the two buildings should be similar in their style of architecture, he decided also in favour of Gothic. The public were thus naturally led to think that the question was so far settled, and that the Indian Office and the Foreign Office were to be built in the Gothic style of architecture. But the Government of Lord Derby was turned out of office, and his noble Friend (Lord John Manners) of course went out with it. The noble Lord (Viscount Palmerston) came into office, and his right hon. Friend (Mr. Cowper) became the First Commissioner of Public Works. With this change of men in office came a change of plans. The whole thing was at sea again. What had been done by his noble Friend (Lord John Manners) was opposed by his noble Friend now at the head of the Government. Indeed, it looked as if the House of Commons was not to be consulted on the subject at all, and as if it had been resolved by the Treasury and the Board of Works to set aside, by their own authority, all that had been done by their predecessors. In these matters of art and architecture we suffered in this country from what were in other respects a great blessing—our free institutions. In Governments where there did not occur these changes of office—as at Paris, for example—a man remained so long in a particular department that something like consistency and a consecutive course of action was pursued with regard to public buildings. But in this country, from the frequent changes that took place, our public works were often proceeded with in a very unsatisfactory manner. What one man did another man undid, and the works when completed were unsatisfactory. This subject was brought before the House by his noble Friend opposite (Lord John Manners) two years ago, when a very warm discussion took place on the question whether the Gothic or the Palladian style of architecture was the best. His noble Friend at the head of the Government objected to Mr. Scott's Gothic design, and wished him to give in a Palladian or Italian design instead. Mr. Scott accordingly produced a design that was considered to be Italian; but his noble Friend did not consider it sufficiently Italian, and it was altered to meet, if possible, his taste. But even when altered his noble Friend did not consider it sufficiently Italian. Mr. Scott was then compelled—and he (Lord Elcho) thought he made a great mistake when he did so—he was compelled to consent to become the draughtsman of the noble Lord at the head of the Government, and they now had the result in the design exhibited on the walls of the tea-room. He was justified, therefore, in saying that that design was practically the design of the Prime Minister, and not the design of the architect, who had in reality been compelled to draw it. His noble Friend had a horror of Gothic architecture, and, therefore it was that he had insisted on Mr. Scott producing an Italian design. Undoubtedly people would differ on these matters of taste. He (Lord Elcho) would not express any strong opinion of his own one way or the other with regard to Gothic or Palladian architecture, but with a view to refresh his memory as to what had passed in Parliament on the subject, he had run through *Hansard*, and would give in as condensed a form as he could the arguments against Gothic which had been used by his noble Friend and other speakers. He would thus save the time of the House, as it would be unnecessary for the opponents of Gothic to repeat their arguments. The hon. Member for Brighton (Mr. Coningham) said that Gothic architecture gave "a *maximum* of cost with a *minimum* of accommodation"—that it gave "no light" and was, moreover, "a barbarous style;" and the hon. Member added that "we did not live in age of darkness," and that the Gothic style was "ecclesiastical and peculiar to a sect." He supposed that when the hon. Member for Brighton used the word "ecclesiastical," he referred to Mr. Beresford Hope, who was then a Member of the House; but he must ask the hon. Member, when he spoke of the style being "peculiar to a sect," to what sect in particular he referred? He remembered that two years ago a deputation in favour of the Gothic style of architecture being adopted waited on the Prime Minister, and that one of the gentlemen who composed the deputation was the hon. Member for South Durham (Mr. Pease). He did not know that Gothic was a style of ecclesiastical architecture peculiar to the sect to which the hon. Member for South Durham belonged. The hon. Member for Bath (Mr. Tite), the architect of the Royal Exchange, said that the Italian style was "more suited to the wants of common life, that the Gothic gave no light and no ventilation," and this he illustrated by a reference to the Committee Rooms of the House of Commons. Now, he hoped the House would not be run away with by any argument drawn from the abuse of the Gothic style of architecture. Undoubtedly, there were very great defects in the building in which they sat. There was, as the hon. Member for Brighton had said, "a *maximum* of cost with a *minimum* of accommodation," and this was an evil from which Gothic architecture suffered. The minds of Members were apt to be prejudiced against it, on account of the abuses of it which they saw before their eyes, and to be led away by the idea that the style was necessarily inconvenient and costly. The hon. Member for Bath further said, that the Foreign Office should correspond in style with the *genus loci.* Where that was to be found in the neighbourhood of the Foreign Office he (Lord Elcho) could not tell; but the hon. Member for Bath had no difficulty in discovering the *genus loci,* for he said "the Foreign Office should harmonize with Montagu House." Now, Montagu House might be a very pretty building, but he (Lord Elcho) would rather that it was not taken as a *genus loci* in this instance. He now came to the noble Lord at the head of the Government. The noble Lord, always gay and cheerful himself—

> "Quem jocus circumvolat, et Cupido"—

said that public buildings should be gay and cheerful outside, and light and airy in their interior. "The Gothic," he said, "might be suited to monastic buildings or a Jesuits' College, but it was not suited to the purpose to which it was proposed to adapt it. He did not know what the peculiarities of Lombardo-Gothic were, but it combined all the modifications of barbarism." Now, the Committee of 1858, though they gave no opinion as to the style that ought to be adopted, went thoroughly into the question of cost, and it was distinctly proved by Mr. Hunt, the Surveyor of the Board of Works, that in regard to cost there was no difference between one style and the other, the estimate for the Gothic structure being, if anything, rather lower than the other. Then, in respect to convenience, the Gothis was shown to be quite as convenient as any other. As to light, by an actual measurement in feet and inches, it was proved that the Gothic design of Mr. Scott admitted of more light than would be found in any public building in London in the Palladian style. As to the objection that the Gothic was "ecclesiastical," he might pass that by, merely reminding the House that in North Italy nearly all the ancient public buildings were Gothic, and most beautiful they were. As to Gothic being barbarous and foreign, what was the Italian? Did not its very name import that it was foreign? His noble Friend wound up his speech and argument by declaring that he did not know the peculiarities of Lombardo-Gothic, but "he supposed it combined all the modifications of barbarism." He was surprised that his noble Friend, who spoke Italian like an Italian, should speak thus of Lombardo-Gothic. But in Northern Italy some of the most beautiful edifices were in this style—for instance, the Doge's Palace, and many other palaces in Venice, the hospital at Milan, and others. If these were modifications of barbarism he should like to see a few such buildings in this country. They would be a great improvement on the buildings which we were in the habit of constructing in this country. It was said that on grounds of congruity it was desirable to adopt the Italian syle. But the most beautiful towns were not the most congruous. Congruity was, indeed, often only another name for monotony. Look at Chester, Heidelberg, Venice, and other towns with gable ends and other irregular and picturesque features; it was this variety that gave these cities their charm. Instead of being built all of one style it was highly desirable that there should be a variety in our public buildings. He had endeavoured to refute the arguments urged against the Gothic style; but he did not wish to pledge the House to adopt that style for the new buildings. But before they sanctioned the expenditure of half a million or more of money, he only asked them to go into the tea-rooms to see the plans of the building now proposed to be built. He spoke with some diffidence on a matter of taste, and he did not wish to express himself too strongly, but he must say that since the plan had been exhibited his noble Friend had succeeded in uniting those who had never before agreed; for those who differed as to Gothic and Palladian united in condemning the plan which his noble Friend approved. In fact, his noble Friend's Foreign Office was as faulty as his foreign policy was sound. He, therefore, wanted the House to pause before they adopted a public building which would not be a credit or an ornament to the Metropolis. Great as our success had been in many things it could not be said we had succeeded in our public buildings. Any one who stood on London Bridge, and looked first upon the southern side and then passed to that street of palaces, as it had been called (New Cannon Street), could not fail to be struck by the unutterable meanness and want of originality of our street architecture. What would happen would be this. If his noble Friend came down and asked for a million of money to erect a large public building in the Italian style, no doubt a most imposing structure would be built; but that building would give the keynote to other buildings. Our street architecture would degenerate. The building would be imitated in plain, mean, brick houses; or, if not, they would have things of stucco—a sham which pretended to be what it was not, and which was almost the worse of the two. No doubt the Gothic style had this advantage, that it permitted every variety of play of fancy and the use of any materials whatever which could be had in London on the spot. The Houses of Parliament were built of stone. They had lately been obliged to paint the building, and they had thus made it look like one of the buildings with stucco fronts. Let them put whatever paint upon it they pleased, however, there was something in the atmosphere of London so hostile to stone that paint could not save it, and a Committee were now sitting to see how they could prevent the Houses of Parliament from crumbling into the Thames. Buckingham Palace, too, had lately had a new stone front. But no sooner was it constructed than they were obliged to paint it. The same thing had happened, he believed, in other buildings. This, then, was a very strong argument against the adoption of the pure Italian, which could not be carried out in that variety of style and colour of which the Gothic would admit. With terra cotta, for example, which was the most durable of all things, they would have variety of colour and ornament, by means of the introduction of serpentine, Cornish granite, &c. Where they had a building all of one colour, it soon became a dead dull gray and then black, as might be seen on one side of Spencer House. On the contrary, where they had a variety of colour, the surface might be discoloured by smoke and dust, like a picture in London, but yet a variety of colour could be discerned beneath the surface. If they were to judge of public feeling by the buildings in hand there could be no question that the classical or Italian was at a discount, and that the style which admitted of a play of fancy, but which his noble Friend described as abounding with all sorts of monstrosities, was predominating in London. He did not mean those mansions which were in course of building for young couples in Belgravia and Tyburnia, with plain stucco fronts. The other day a party who took an interest in this question took a tour through London. They invited his noble Friend (Viscount Palmerston) to join them, but he declined. He was sorry for that, because his noble Friend might have changed his mind in consequence. They saw an insurance office near Blackfriars Bridge, which was, he thought, a happy illustration of what he had advocated. It was built in the style which his noble Friend so much abused; and on the right and left of it were two stucco fronted houses in the Italian style. A photograph had been made of them, which he supposed might be bought, and which described the house on one side as "Palmerston ornate," and on the other "Palmerston pure." The middle building was designated as "What London would be if Palmerston would allow it." [The noble Lord here handed a copy of the photograph to each side of the House.] He would take two large buildings which had sprung up lately—one opposite Buckingham Palace, called the Palace Hotel, which was pure Palmerstonian; the other was the Victoria Hotel; and could any one doubt of the superiority of the latter over the former? There was no comparison between them. One was in the classic style, and the other admitted of variety and fancy, and was a very fine building, though it wanted colour. They found, in going through London, that this sort of building was cropping out in all directions; and if his noble Friend succeeded in erecting the Foreign Office according to the Palladian design in the tea room, all that would be shown would be that the House of Commons was not acting in accordance with the feeling and spirit of the country and of Europe in general on the question of architecture. He begged pardon for having so long trespassed on the attention of the House; but he felt strongly on the subject, and he was anxious that the House should not, by sanctioning the erection of the noble Lord's last design for the new Foreign Office, be led into a mistake which it could not remedy. The noble Lord was all-powerful and all-popular. He hoped the noble Lord would not abuse his popularity and power by attempting to force on the House a design of this kind. Let the House recollect the Duke of Wellington's statue. The Duke of Wellington's popularity prevented that monstrosity from being pulled down while he was alive; and the Duke of Wellington's popularity, now he was gone, prevented any Member of Parliament from moving an Address to the Queen praying that the statue might be pulled down, as being a disgrace to the arts and to the taste and common sense of the people. Let the House take care that the same mistake was not committed in reference to this Palladian design for the Foreign Office, and that the noble Lord's popularity and power did not prevent it from doing that which it ought to do—namely, agree to the Motion with which he should conclude. The hon. Member for Bath, in a former discussion, said that the House of Commons, when it made a mistake in legislation could bring in a Bill to amend the mistake; but the House should take care not to make great mistakes in costly monuments of granite and marble.

Amendment proposed,

" To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House it is not desirable that the new Foreign Office should be erected according to the Palladian design now exhibited in a Committee Room of the House.' "

—instead thereof.

Mr. BUXTON seconded the Resolution, and said he rose rather to confirm than add to the remarks just made by the noble Lord. The Palladian design, against which the noble Lord had spoken, might have great merit, but he found it allowed on all hands that one merit it did not possess—the merit of being beautiful. Every one agreed that it was—he would not say ugly, but dull. There was in it nothing original or striking. No human being would ever be so deluded as to look up at it with that keen intellectual delight which was awakened by a really noble building. In repeating these general remarks he was not disparaging Mr. Scott. Every one allowed that the Gothic design which that eminent architect had prepared, though its outline might be amended, was radiant with grace and beauty. It glowed with thought and imagination, and would kindle the minds of those who looked at it. This difference was natural. Mr. Scott was a man of genius, but his genius lay in Gothic. In setting him to Palladian they went against his mind's grain ; and he was glad to find that many hon. Gentlemen who did not love Gothic, yet said that if Mr. Scott was to be the architect it would be only good sense to give his genius its own sphere, instead of forcing him to work for which he was unfit. He was not going to compare the merits of the Gothic and classic styles. In fact, he had drawn so much enjoyment from both of them that he had no wish to assail either—though in passing he might remind the House that Palladian was not classic, but a bastard daughter of the classic style. But he hoped they would be guided by the plain common sense of the matter. He would not address himself to the good taste of the House, but to its good sense and judgment. And, keeping strictly to that ground, let him try to dispel the illusion that experience in that House showed the inconveniences of the Gothic style for a secular building. It was true that that particular Gothic was inconvenient ; but the reason was that it was bad Gothic. We had made great progress in the Gothic style in the twenty or thirty years since that House was commenced, and has ventured to say that in Mr. Scott's Gothic design there would be precisely as much air, light, and freedom from soot as in his Palladian design. There would be none of this absurd folly of large mullions and small panes, and windows opening by pulleys, or not at all. As to expense, the Committee reported that the style would make little or no difference. But now there seemed to him to be one decisive argument against a Palladian design ; that was that the Palladian style had already lost, or was quickly losing, all hold on popular affection. This could not be denied. A thousand things showed that every year public feeling was becoming more and more averse to that style. In all architectural publications it was found that Gothic and other intermediate styles were advocated in preference to it. All young architects, if let alone, forsook it. Scarce a single recent building was in pure Palladian. Lately a great edifice was built at Manchester by a committee of mercantile men, with a Quaker chairman, and they would have it in Gothic. Most striking of all, only last Thursday the Premier himself rode twenty-two miles in a flood of rain to lay the foundation stone of a Gothic building, and told the company he had had great pleasure in doing so. All this might show bad taste in the British public; but it was the fact. Men above sixty still loved Palladian; men of taste below sixty hated it. Nor was that strange. Since Queen Elizabeth's time we had had nothing else. No wonder the world was growing dead-sick of it. It was a style, too, that had little range. It did not, like Gothic, admit of infinite adaptation and variety. Uniformity was its soul. Naturally it palled at last on the eye. Now, he appealed to the noble Lord, whose common sense was the admiration of his countrymen, whether it would be good sense to set up a great mass of building in a style of which the world was fast growing weary. Surely in such a matter the old should a little yield to the young. It was by the men of the future that this building would be enjoyed or execrated. Let it be built as they would wish it built. And of this he assured the noble Lord, that if he built it in Palladian it would not be enjoyed but execrated by the rising generation of men of taste. He put it respectfully to the noble Lord whether he would not generously sacrifice his own prepossessions in order to let this building harmonize with the feelings of the rising rather than the setting generation of men.

MR. COWPER said, he was glad to hear his noble Friend (Lord Elcho) as well as the hon. Gentleman who seconded the Resolution disclaim any very decided partiality with respect to the Gothic, Italian, or Renaissance style, he inferred from that disclaimer that they were not really convinced that the public opinion, of which they spoke so boldly, was in their favour. His noble Friend had used expressions of contempt towards this selected design, and assumed that public opinion had declared against the design by Mr. Scott which was now exhibited in one of the Committee rooms, and for which a Vote would be proposed in the Committee of Supply. People were apt to attribute to the public that opinion which happened to be their own. Possibly a knot of eager partizans of a particular style had congregated around his noble Friend, and by their constant buzzing had kept from his ears all remarks made by individuals of a different taste; for it so happened that he (Mr. Cowper) had found a different opinion on the subject, not only among ordinary persons to be met with in the streets—men who had superficial notions and slight interest about architecture—but also among persons practically versed in the science of architecture, and, competent to pronounce an authoritative judgment, and the opinion he had heard from illustrious architects who had practised the Italian style was that Mr. Scott's design did that gentleman the greatest credit, and was better than any of the Italian designs exhibited in 1857. If the House should come to the conclusion that the new Foreign Office should be built in accordance with the proposed plan they might, he thought, rest satisfied that we had procured the best design in that particular style which could be obtained. Mr. Scott, who stood so prominent as a Gothic architect, had done himself credit by the manner in which he had succeeded in dealing with architecture of a style with which he was not so familiar; and when his noble Friend who introduced the subject to the notice of the House described the design to which he had called attention as emanating from the noble Lord at the head of the Government, he was paying the noble Lord a compliment more flattering, perhaps, than was intended. The noble Lord at the head of the Government, representing what he believed to be the views and preferences of the majority of the House and of the country, had asked Mr. Scott to prepare an elevation for a new Foreign Office in the Italian style. It would not have been to the credit of Mr. Scott had he said, "I am an architect only in one style: I can do nothing without the pointed arch, and I, therefore, decline to undertake any other"—but Mr. Scott, being conscious of his own ability to deal with whatever style the country might prefer, submitted to authority, and undertook the commission. The noble Lord the Member for Haddingtonshire seemed to be much pleased at having found certain buildings in the Metropolis which were not in the prevailing style of architecture, and had mentioned an insurance office in Bridge Street with satisfaction and triumph. The House, however, should bear in mind that the money lavished on the outside of assurance offices was intended to attract attention, and that notoriety was obtained more readily by strangeness and peculiarity than by conformity with the prevailing taste. Either a novel or an exploded style would serve as an advertisement and allure business. He was surprised to hear his noble Friend still claiming the Gothic as the national style. If the epithet were understood to denote what originated in the nation, or what exclusively belonged to it, was not more national than the Gothic, the Italian, and Stonehenge or the Irish cabins, were the best examples of the national style. But if the epithet implied that which was adopted by the nation, and prevailed to the greatest extent in the country, it certainly belonged to the Italian style. It must be manifest to anybody who used his eyes that London as a city was built not in the vertical and pointed but in the horizontal or Italian style; and the House of Commons ought in making a selection of a design for a new Foreign Office, to give preference to a style which would be best adapted to a public building, and which would combine the largest amount of internal convenience with an elevation calculated to produce great architectural effect without unnecessary expense. The style best adopted for a public office, and most available for modern construction, was the Italian, nor did the warmest advocates of Gothic architecture assert its superiority over the Italian in these respects. Assuming, then, that upon practical grounds the Italian style was that which it was desirable to select for the new Foreign Office, the next consideration by which the choice in architecture ought to be guided was that of association. Acting upon that consideration, churches were built in the style of the early Christian ages for the sake of preserving in the minds the worshippers the associations of ancient times. And for the same reason the architect of a Wesleyan chapel looking to the associations of the Eighteenth century, built in the style of George III. rather than in that of Edward I. It was also natural that when the present Houses of Parliament were about to be erected, a style should be chosen connected with the period when the House of Commons first acquired its liberties, and thus associate the past with the present. In the case of the new Foreign Office, however, he saw no reason for mediæval associations. No hon. Member wished, he presumed, to associate the transactions in that office with those of by-gone times, nor would he desire to see the foreign policy of the present day correspond with that of the days of King John. On the contrary, the association to be desired was that of the period in which we lived, and the Italian style was that which by its breadth, simplicity, and symmetry best represented modern sentiment and aims. It was a matter of importance that the style, whatever it might be, should be of such a character as would make the new building group well with those in its vicinity. A building of any description standing alone had only its peculiar architectural merits to depend upon; but when there were a number of buildings contiguous to one another, much of the beauty of the entire group, taken from any particular point of view, depended upon the harmony of the whole. Now, he saw no prospect of the plan of clearing the houses between Charles Street and Great George Street, which was a few years ago contemplated, being carried into execution, and the new Foreign Office would therefore be seen in conjunction with the Treasury, the Horse Guards, and the buildings in Whitehall. Any person going from Regent's Park to Pall-mall would find Palladian elevations along the route; and copies from the best models of Italian architecture in Pall Mall. He would find the same style continued through Trafalgar Square and Whitehall, and the Foreign Office should be the culminating point of this long series of buildings. Another object which was sought to be attained in choosing the design, was to afford as much pleasure to the public who would look upon it as possible. It had been asserted that by many persons in this country the Palladian style was execrated; but, for his own part, he was of opinion that for one person who took delight in the pointed, there were twenty who derived greater satisfaction from the Italian style of architecture. The latter was the style which now prevailed in Paris and the Continent. The erection of the new office ought not only to afford satisfaction to those who had a taste for art, but should be the means of furnishing an example and a model of what builders ought to copy. For one person who would profit by the example of a building in the Gothic style, there would be twenty who would profit by the example of a building in the Italian style. He thought these grounds were sufficient to justify the Vote which the Government were about to propose, and which would be for the erection of a building on the last design prepared by Mr. Scott. The noble Lord, the Member for Haddingtonshire, evidently wanted to exclude that design. That design, however, was the best which could be obtained in the Palladian style, and he was sure the House would never regret its adoption.

Mr. LAYARD thought it was strange that in this nineteenth century we had made so little advance in the art of architecture. The principle of architecture of the present day, as far as public buildings were concerned, appeared to be to imitate as closely as possible something that had gone before, and was as little applicable as possible to the real wants of the age. That House, for example, was a Gothic building. The exterior had much of the beauty of the Gothic style, but the interior had all the inconveniences which characterized buildings in the time of our forefathers. So with modern classic buildings. We had beautiful exteriors in the classic style, but the interiors, for the most part, were such as prevented us from enjoying—what we all wanted—the light of Heaven. That House moreover, swarmed with hideous and grotesque monsters, which, though called lions and unicorns, resembled nothing so much as the gorillas lately discovered on the west coast of Africa. He believed these frightful animals had even crept into the apartments occupied by the Speaker. Yet they did not necessarily belong to Gothic architecture. In the British Museum, on the other hand, we had a classic building, but we had spoilt it by erecting a great colonnade which rendered a whole series of halls almost useless. When these things were mentioned reference was always made to authority—as if authority alone were sufficient to reconcile us to monstrosities. Take the monument lately erected by Mr. Scott himself in the neighbourhood of Westminster Abbey. Some considered it a very fine monument; but although it might be justified on authority it could not be justified on common sense. On his column Mr. Scott had put a number of Kings and Queens, and on the top of all had placed a George and the Dragon. That was not consistent with common sense. What we wanted was a building adapted to our present wants. The noble Lord at the head of the Government objected to Gothic on the ground that it was an ecclesiastical style—the style of the Jesuits. Everybody knew that the Gothic, instead of being the style of the Jesuits, was the very style which the Jesuits destroyed. The Jesuits introduced a tawdry *renaissance* style, which utterly destroyed that grand Christian style of architecture which was then developing itself in Italy. Again, the hon. Member for Bath (Mr. Tite), who was himself an architect of no inconsiderable eminence, objected to the Gothic style, because it excluded the light. There was no foundation for that objection. They might have the whole side of that chamber one mass of light if they liked. In classic architecture there was something to prevent the admission of light. Classic architecture sprang up in the South, where one great object was to exclude the light and heat of the sun ; as far as the admission of light was concerned we could not get a style more adapted to it than the Gothic which originated in the north where more light is required. The President of the Board of Works had said that the Gothic was not in use on the Continent. Mr. Scott had recently erected one of his finest Gothic works in Hamburg, and everybody knew that the Town halls on the Continent presented magnificent specimens of Gothic architecture. The charge of ugliness had been brought against the Gothic. At one time that might have been true ; but the Italians had done much to take away all ugliness from the Gothic, and in one of the most beautiful monuments in Florence the Gothic was combined with the classic style in the most exquisite manner. He believed, indeed, that if the Jesuits, to whom the noble Lord at the head of the Government attributed a love of the Gothic, had not interfered, Italy would have given us, in a modification of the Gothic, one of the most beautiful and most Christian forms of architecture which the world had ever seen. It was a mistake to suppose that Palladio, who was a man of genius, confined himself to one style. Palaces at Vicenza in the Italian Gothic style are attributed to him. He most decidedly objected, however, to what was called in this country the Palladian style, and he thought the design prepared by Mr. Scott a mean design. He had no wish to cast reflections upon Mr. Scott ; on the contrary, he thought he had produced a fair plan, all things considered; but Mr. Scott was not a classic architect; his whole time and study had been directed to Gothic architecture, and hence he excelled in that branch, and not in another. It was scarcely fair to that House, or to the country, to accept the classic design prepared by Mr. Scott; because that gentleman won his prize by a Gothic and not by a classic design, and classic architects ought to have been allowed to compete with him in their own style. His objection to the Palladian style was that it was a mean style in London, where it could not be carried out properly. The design in the tea-room looked to him like some of the new terraces in Regent's Park, which, like all large masses of *renaissance* buildings, were exceedingly monotonous. The monotony of classic buildings could only be broken by porticoes and colonnades—the very things which ought to be avoided in this country, where light was indispensable. With classic buildings we could not have that ornamentation which was always necessary. The ancients painted and sculptured the exterior of their classic buildings, and so produced a very fine effect; but we could not have the same delicate painting and sculpturing in London, because the atmosphere would destroy all that kind of decoration in a very short time. The President of the Board of Works had referred in terms of praise to Paris. Everybody knew how monotonous Paris had recently become. The new streets were most oppressive and tiresome, and one was glad to take refuge in the old parts of the city. In Paris might be seen how architecture illustrated the political condition of a people. A stranger seeing Paris for the first time would at once say "A despotic powerdom could execute such works!" The whole was built on one plan. One day he observed a peculiar commotion going on in the Rue Rivoli. From one end of the long street to the other scaffolding poles were erected, and hundreds of people were engaged in scrubbing and scraping. On asking the meaning of it he was told by a person who did not speak English very well that all the people had been ordered to "scratch their outsides." Such was the system in Paris. Everything was done by one person, and consequently everything was dull and monotonous. What we wanted, on the contrary, was variety, beauty, something that would interest people, not a repetition of the same thing. He did not altogether approve of the Italian Gothic design in the room; but he thought the third plan deserved great consideration. It possessed great beauties. The Houses of Parliament were erected at a time when the Gothic was little known in this country, and they were consequently overloaded with expensive and tasteless ornaments. Nevertheless, Sir Charles Barry deserved great credit for what he had done, for he was a classic architect, and it was not fair to require him to erect a Gothic building. Excessive ornamentation disfigured a Gothic building, and took away from its dignity. He would suggest that the designs of Mr. Scott should be referred to a Select Committee. In ancient times, when great public buildings were to be erected, the architects were always placed in communication with the leading men of the State. He had not the honour of knowing Mr. Scott, but from all he had heard of his character he had no doubt he would be prepared to meet a committee of gentlemen, and, if anything objectionable were pointed out in his plans, to make what might be considered improvements in them. He thought the Gothic plan should be accepted, on the understanding that some changes should be made in it; and then they would have a most magnificent building. His right hon. Friend had talked of the great improvements in taste which had taken place in the City of London. He quite agreed with him in that respect. Everywhere they saw magnificent buildings arising, if not of pure Gothic, of an English character—that is Gothic adapted to the wants and manners of the times. The right hon. Gentleman (Mr. Cowper) made an extraordinary admission with reference to the Fire Insurance Office, when he said it was built as an advertisement to attract people. The fact, then, was that it was thought that that style of architecture would be so attractive to the people that they would thereby be induced to insure their houses and persons in that building. A Gothic building in this country would admit what was most required—colour, by the introduction of terra cotta, red granite, and coloured marbles. It admitted of all varieties, and might well be made worthy of the country and the times in which we lived.

Mr. TITE thought the proposition which had just been made one of the most extraordinary he had ever heard. He must certainly challenge the hon. Member for Southwark (Mr. Layard) to point out any building of distinction which deserved the character of Gothic except in Lombardy, in which coloured materials were to be found. Even in Lombardy, the best specimen, the best Duomo of Milan, was built entirely of marble homogeneous in colour. What would be the effect of York, or Canterbury, or Amiens, or Antwerp disfigured with terra cotta or coloured materials. The introduction of terra cotta or coloured marble into structures of a Gothic character would be a great mistake. There was terra cotta work in buildings in Milan in the Palladian style — but they were Italian buildings in every sense of the word. He had certainly heard a very strong opinion expressed with regard to the design in the tea-room. He had no desire to insist on his own opinion, though he must have wasted his time for forty years if he did not know something about the matter. His friend, Mr. Scott, had as much distinguished himself by Italian as by Gothic designs; and an architect who was well informed in the pursuit he embraced might, without any great difficulty, succeed in one style as easily as in another. Sir Charles Barry did so, and the faults of that House as to cost, darkness, and want of ventilation were not his, but incidental to the style. If they took Mr. Scott's Gothic design, with its large window-heads, the whole upper part of the rooms must be in darkness. What was wanted was a square window up to the ceiling, so that the light might come in freely, and, the sash being let down, that natural ventilation might be available. With regard to the *genius loci*, he must say, the magnificent Banqueting House of Inigo Jones on the one side, the new buildings of the Treasury on the other, and the mansion of the Duke of Buccleuch, when finished — which was of classical architecture in a certain sense — would not harmonize well with a Gothic Foreign Office. Towards the close of 1859 a large body of the leading architects did him the honour to request him to introduce them to the noble Viscount at the head of the Government. Among them were men of the highest character, such as Smirke, Donaldson, Cokerell, Godwin, and others. They waited on the noble Lord, and expressed to him their obligation for his determination against carrying out the Gothic plan in the new Foreign Office. They thought the application of Gothic architecture to the Foreign Office an entire mistake, and they expressed a hope that the noble Lord would persevere in his determination. Sir Charles Barry himself when examined before the Committee said he did not think we should introduce Gothic architecture here—it would be wrong in his judgment; it ought to be Italian. And then it should be recollected that of the 218 designs only 15 were Gothic; and all the first premiums were given to Italian architecture. He knew no better authority on the subject of the beauty of Italian architecture than Mr. Ruskin—a man who by his *Stones of Venice* and his *Lamps of Architecture* had done more than any other to make architecture understood æsthetically. What did Mr. Ruskin say?—

> "Of all the buildings in Venice, later in date than the final additions to the Ducal Palace, the noblest is, beyond all question, that, which having been condemned by its proprietor, not many years ago, to be pulled down and sold for the value of its materials, was rescued by the Austrian Government, and appropriated — the Government having no other use for it—to the business of the Post Office, though it is still known to the gondolier by its ancient name—the Casa Grimani. . . . This Palace is the principal type at Venice, and one of the best in Europe, of the Central Architecture of the Rennaissance Schools; that carefully studied and perfectly executed architecture to which those schools owe their principal claims to our respect, and which became the model of most of the important works produced by civilized nations. I have called it 'Roman Renaissance,' because it is founded, both in its principles of super-imposition and in the style of its ornament, upon the architecture of classic Rome at its best period. The revival of Latin literature both led to its adoption and directed its form; and the most important example of it which exists in the modern Roman Basilica of St. Peter's. It had, at its *renaissance*, or new birth, no resemblance either to Greek, Gothic, or Byzantine forms, excepting in retaining the use of the round arch, vault, and dome; in the treatment of all details it was exclusively Latin; the last links of connection with mediæval tradition having been broken by its builders in their enthusiasm for classical art, and the forms of true Greek or Athenian architecture being still unknown to them. The study of these noble Greek forms has induced various modifications of the Renaissance in our own times; but the conditions which are found most applicable to the uses of modern life are still Roman, and the entire style may be most fitly expressed by the term 'Roman Renaissance.' It is this style, in its purity and fullest form—represented by such buildings as the Casa Grimani at Venice, built by San Micheli; the Town Hall at Vicenza, by Palladio; St. Peter's at Rome, by Michael Angelo; St. Paul's and Whitehall in London, by Wren and Inigo Jones, —which is the true antagonist of the Gothic school."

To that opinion he entirely subscribed. He thought the House would do wisely and well to leave the matter in the hands of the Executive Government. The result, he had no doubt, would be a building which would in no sense prove a disgrace to England, but a splendid building adopted in all respects to the purpose for which it was intended—the Gothic style of architecture was the right thing in the right place; but that place was not the Foreign Office.

LORD JOHN MANNERS said, the hon. Member who had just sat down condemned the Gothic style, but he must not quarrel with other Gentlemen if they analyzed the reasons which he gave for the opinion at which he had arrived. His objections simply amounted to this—he condemned the Gothic because it was inconvenient, and because a sufficient body of light could not be admitted through the windows of a building in that style. Now, the House must bear in mind that the hon. Gentleman was a member, and, of course, a leading member, of the Select Committee which sat three years ago on this very question. Witnesses of the greatest authority were examined, and those who disputed the views entertained by the hon. Gentleman were subjected by him to a minute cross-examination; and yet at the close of a prolonged inquiry the Committee unanimously reported that, having very carefully considered the two styles with reference to cheapness, commodiousness, and facility of ventilation, the result of their inquiries led them to the belief that in those respects no material preference existed on either side. Yet the hon. Gentleman, who was an assenting party to that decision, now called on the House to reject the Gothic style as inconvenient, and precluding the entrance of a sufficient body of light. The hon. Gentleman himself as an architect had defied any architect to make handsome Gothic windows which would open in a satisfactory manner. But what was said by Mr. Scott, of whom the hon. Member entertained a high opinion? Did he admit that those windows would not open or admit sufficient light? On the contrary, he stated—and his assertion would be borne out by every practical man—that his windows were

> "Larger than any public building in the opposite style in London, and that the mode of opening and shutting them was the same as in the most recent public and private buildings; they were glazed with large sheets of plate-glass, and were in every way up to the full point of practical improvement which up to the present time had been effected in buildings of whatever style."

And he would show the House that during the last two years the hon. Gentleman himself had practically shown his approval of the Gothic style by the buildings which he himself had invented or sanctioned. But before he came to this he wished to impress upon the House to deal with this subject apart from the question of taste, and on the ground of common sense. What was the position of the House and the country with reference to the Foreign Office? The architect had been appointed; for, though the noble Lord had questioned and cavilled at the appointment, he had at last frankly admitted, both privately and publicly, that Mr. Scott was appointed in accordance with the recommendation of the Select Committee, and with universal official practice, and, therefore, that he could not be removed from the position of architect to the new public offices. It being admitted that Mr. Scott ought to have the appointment, he put it to the House, as men of business, what was the necessary inference as to the style which should be adopted? Mr. Scott was the greatest Gothic architect, not in England only, nor even in Europe; his fame was spread over the whole habitable globe. Having selected him to erect a great public building, ought they not, as reasonable men, to leave him free to act, and to give him a fair chance for the development of his talent in erecting a public building worthy of his fame and satisfactory to the country? But the noble Lord, although he admitted Mr. Scott should be the architect, said "No; you shall only erect a building in that particular style of architecture which has found favour in my eyes." Such a course was not fair to Mr. Scott; it was not fair even to the noble Lord's own colleagues, and they all recollected the annoyance felt by the late Mr. Fitzroy when the whole subject was removed from under his cognizance. It was not fair even to the two distinguished architects who in the great competition of 1856 obtained premiums for the Italian or French style of architecture. The hon. Member (Mr. Tite) declared the Gothic style was so little approved in 1856 that only fifteen architects thought it worth while to compete in that style; but about this there could be no doubt, that of the seven architects to whom premiums were awarded four received them for Gothic designs, and the other three for plans in different styles. It was not fair to those three gentlemen that Mr. Scott should be compelled by the noble Lord to erect a building opposed to his own feelings, to the convictions of his professional life, and to the bent of his genius. The right hon. Gentleman the First Commissioner of Works had astounded him by the declaration that it was necessary to adopt this Palladian architecture, because it was the only style which found favour in the eyes of a discerning public. He took most emphatic ground in contradicting that statement. The House had already made a short tour through London, and he would ask hon. Gentlemen to take their stand in imagination on Waterloo Bridge. Casting their eyes up the stream they would see the familiar towers of Westminster; but looking in the other direction, after passing the level but in some respects beautiful elevation of Somerset House, they would see the high-pitched roof and picturesque exterior of the new liberary ["Oh, oh!"] which had just been built by the Society of the Middle Temple—gentlemen who would certainly condemn reactionary designs in Church and State; and, going to the quarter occupied by the other society, that of Lincoln's Inn, they would find that in its newer buildings the style which found favour was not the Palladian, but an adaptation of the English national Gothic architecture. The House had been told that, whatever might be the case in London, at any rate in the great provincial towns such was not the case. No city could be more free from reactionary or mediæval tendencies than Manchester; but in the architectural room of this year's exhibition, next to Mr. Scott's amended design of the Foreign Office was a plan in what might be called ultra-Gothic of a great public hall of justice now in course of erection in the city of Manchester. Had this been ordered by any private individual? Had favouritism been shown to any particular architect? Quite the reverse. The design was the result of public competition; and in the verdict in its favour not merely the city of Manchester, but, if he was rightly informed, nearly the whole of the county of Lancaster took part. Looking to other portions of the provinces, he found the town of Northampton, which had always returned two Liberal Members to Parliament, within the last few months had occasion to erect a public building. The design was thrown open to public competition, and the gentlemen of that town, in order to be on the safe side, applied to the hon. Member who had just sat down (Mr. Tite) to give his advice and to act as arbiter. The hon. Gentleman examined all the plans, and recommended two as the most suitable for the purpose of this building. [Mr. TITE: It is not built yet.] No; but he had seen the tenders for it. The noble Lord read a newspaper paragraph stating that—

> "The Northampton Town Council met again on Monday last, and decided the important question of the Northampton Town Hall. Mr. Tite selected three out of the sixty-nine designs submitted to him; one had the motto *Circumspice* attached to it, and another *Non nobis, Domine*. The first was of the Italian order of architecture; the second of Gothic. On the whole, Mr. Tite's bias seemed to be in favour of the *Circumspice* design, on account of its distribution and artistic effect; but he also spoke in high terms of the Gothic design; as to which he stated that a remarkable degree of talent was exhibited in the management of the style, and that if carried into effect it would be an ornament to the town."

The Town Council, it seemed, took the advice of the hon. Gentleman, and by a majority of twelve to three adopted the Gothic design; and within the last few days he had had the pleasure of seeing in a local paper the details of the tenders for its erection. So wide, in fact, was the spread of the taste for Gothic buildings that he had recently been in a large railway station in Perth erected in that style, which he was told had been commenced by the hon. Member for Bath. The right hon. Gentleman (Mr. Cowper) said that the Wesleyans and other Dissenters were not in favour of the Gothic style, and that they only built their edifices in the style which found favour in the reign of George III. This was a mistake. The Baptists were building their college at Rawden in the Gothic; and a number of Dissenting chapels had been built in the same style. During the last two or three years a great number of buildings of various kinds had been erected in this style. He might instance the town hall at Nantwich, public buildings at Cardigan, town halls and corn exchanges at Alston, Sutton Coldfield, and Leominster; the Royal Victoria Asylum, Wandsworth; the Equity Life Office, Lincoln's Inn Fields; workshops and warehouses in Endell Street, the Crown Assurance Office in Bridge Street, and the London Printing Company's Offices in St. John's Street, in support of his proposition that the Gothic style was increasing in public favour. He presumed that the object of the London Printing Company in adopting the Gothic was not to attract customers at the sacrifice of their own convenience in the business which they had to carry on. In Edinburgh and Glasgow there were some splendid buildings in the Gothic style; and on referring to the Colonies they found that the Parliament House in Canada and the University in Australia were to be Gothic. In Hamburg there were some fine buildings in the same style. So that at home, in the Colonies, and abroad they found a growing taste for Gothic architecture. The noble Lord was now asking the House of Commons to go back half a century, and build the modern Foreign Office in a style which would have found favour with those who lived fifty years ago, but which would not find favour in the eyes of the majority of those who were living now, or of those who were to succeed us. He should sum up what he had to say in the words of a writer in the review to which he had before referred—

> "Secular Gothic appears to be making way, and we may look as surely for the town halls, assize courts, and the like, which may be erected during the next few years, to be Gothic in character (not English Gothic, however), as a few years back we might have reckoned on their being Greek. The first great step in that direction has been made in the selection of an intensely Gothic design for the assize courts at Manchester, the city *par excellence* of Italian Renaissance."

He would, before sitting down, make a personal appeal in the matter immediately before the House, to the noble Lord at the head of the Government. In 1856, when the noble Lord was Prime Minister, the First Minister of Public Works invited candidates to compete for these buildings, and rumours went abroad that there were those high in authority who were against the Gothic. So prevalent was the rumour that when Lord Llanover received the architects of London, the question was distinctly put to him. He was asked whether there was any bias on the part of the Government, or whether all styles would have an impartial consideration. He answered that there was no bias, and that all styles should be considered with care. On the faith of that reply four of the architects who gained prizes sent in Gothic designs; but since that time the House had heard declarations from the noble Lord the First Lord of the Treasury which had given rise to a suspicion that under no circumstances did he intend, when the competition was entered into, to permit Gothic buildings to be erected. That must be regarded as a most unfortunate suspicion; and he, therefore, appealed to the noble Lord to give him an assurance that, whatever his own views on the subject might be, he would not bring his influence to bear on his own colleagues, or any one else, in order to set aside the decision of the House of Commons. He trusted they should hear from the noble Lord that he would take every step in his power to give effect to the verdict of the House, and in their hands he was content to leave the issue.

MR. DUDLEY FORTESCUE was not at all surprised at the inaccuracy into which the hon. Member for Bath had fallen with respect to the new offices which had been referred to in Bishopsgate Street, when he heard him quoting Mr. Ruskin as an authority in favour of classical architecture. He (Mr. Fortescue) was tolerably well acquainted with Mr. Ruskin's works, and he could state with the utmost confidence that if there was one writer who, more than another, had condemned the use of classical and advocated the adoption of Gothic architecture, it was Mr. Ruskin. He could, if necessary, point out innumerable passages in his works in proof of this assertion. Now with regard to the admission of light to a building in the Gothic style, so far from it presenting any obstacles it was well known to all who had studied the subject that that style allowed of a more ample admission of light than any other, that in fact the supply of light was practically unlimited; in proof of which he need only refer to some of the recently erected buildings in the City to which allusion had already been made, in which the rooms were literally flooded with light, to a degree very rarely to be found in the hearts of this crowded Metropolis. The great superiority of the Gothic over the classical style consisted in its perfect readiness to adopt the exterior of a building to its interior requirements. Every one is aware that the interior of a house is not all divided into equal parts, nor in any way corresponds to the symmetrical regularity of a classical exterior. In one part, varying with the size, the depth, the aspect, the uses of a room you require a totally different provision for the admission of light from what you do in another. Take as an instance the case of some of the Clubs in Pall Mall, no one would contend that the same size or number of windows was required for the south front which looked upon the open space of Carlton Gardens as for the side looking upon the narrow streets which separates the Carlton and the Reform Club, but the classical style in which they were built took no account of the difference—the whole wall surface must be divided into equal spaces whether the building faced north or south, whereas a Gothic building could be adapted to admit a greater or less amount of lights as might be required.

The right hon. Gentleman below him (Mr. Cowper) had observed that in these days people did not build their houses in the Gothic style; now, on this point, he begged to differ from him altogether—not to go beyond the walls of that House, he saw about him several Members, among others the Members for Kerry, for Maidstone, for South Hants, for Winchester, who had all built their houses in that style. It was quite true that the generality of London houses were not of Gothic architecture, for this reason, that they could hardly be said to have any architecture at all about them, being for the most part long lines of brick shells run up by speculative builders with a certain amount of cheap ornaments worked up in cement; but in the case of individual buildings in the City, for the designs of which architects, instead of builders were employed, there was, as had been pointed out by the noble Lord who opened the debate, a decidedly increasing tendency to adopt the Gothic style. He need not refer again to the instances quoted by other hon. Gentlemen in proof of this, but he would wish to direct attention to two buildings with which he had been especially struck, one a large warehouse erected within the last two years in a street adjoining Smithfield; and the other, the new schools for St. Giles's in Endell Street, which really deserved the most attentive examination. It is a brick building, four stories high, with about the same frontage as the Travellers' or the Athenæum, and the whole building which would be an ornament to any part of this Metropolis, he was assured had not cost more than from £12,000 to £13,000.

He would not trespass farther on the patience of the House than to say, that as they had secured the services of an architect of first-rate genius, one whom he, for one, would not be afraid of comparing with the greatest architects of bygone times, who, at all events, had carried off the prizes for important public buildings on the Continent against every competitor, and who had shown by the Government designs, where he has beaten his rivals on their own ground, that he was a master of classical as well as Gothic architecture, and this architect, after studying the subject profoundly for some years, having arrived at the conviction, that for beauty, convenience, and adaptation to meet every possible requirement, no style was to be compared with the Gothic, which he (Mr. Fortescue) would suggest was that they should take their architect's advice by rejecting the Palladian, and adopting the Gothic design.

Mr. BERNAL OSBORNE promised the House one thing—that he would not say one word about architecture. When the noble Lord (Lord John Manners), in the innocence of his heart, deprecated this being made anything like a party question, it might not be made a party in question in the usual sense of party questions in that House; but he believed that since the celebrated feud between the Montagues and the Capulets there had been no feud like this between the Palmerstonian and the Lombardo-Gothic styles of architecture. He could not conceive a worse assembly for discussing a question of this kind than the House of Commons. That House had been tried in the balance and found wanting on questions of this kind. But he did not intend to enter into these disputes at all—he wished to speak to a matter in which they had undoubtedly been found wanting. Let them look at the House in which they were now sitting—a building which he had never considered a Gothic building at all. The original estimate for that building was £750,000, and it had cost £2,500,000. And then Gentlemen came there and talked of the different styles—the horizontal and the perpendicular—when the country was looking to something else—they were looking to what the building would cost. In 1855, Mr. Pennethorne, the Government architect, was called on to submit a plan for a new Foreign Office. He did so, and the estimate for the cost of the building only was £60,000, and £30,000 was to go for the purchase of ground. The House of Commons of that day was so singularly sparing of the public money that when they were asked for this Vote they refused to give it, and gave £10,000 to patch up the old buildings. Now there was an estimate of £200,000 for the Foreign Office. But did the House believe it would be built for that whatever style was adopted? His hon. Friend below him (Mr. M. Milnes) undertook to do it for less whether it was Lombardo-Gothic or classical. If so, he would advise the House to give it to his hon. Friend. He did think the question had been properly treated by the House. When competition was thrown open for designs it was thrown open to the whole world, and £5,000 was the total sum for the whole of the premiated designs. The gentlemen who gained the first prizes were Messrs. Coe and Hofland, and Messrs. Bankes and Barry; but, in consequence of Mr. Scott, who was a celebrated Gothic architect, being second for furnishing a plan of the Foreign and War Offices, he was by some hocus-pocus of the noble Lord the Member for Leicestershire put forward before the gentlemen who had the first prize. If the House were to treat this subject properly some one would move an Amendment in the spirit of "A plague on both your houses," and he (Mr. Osborne) would vote with him. Reject both the Palmerstonian and the Scott plan, re-open the question, and give the building to the man who gained the first premium. He expressed no opinion upon either style—he was so afraid of being a party to the enormous expense which was about to be incurred. He thought the whole question ought to be re-opened, and that these gentlemen ought to have the benefit of the position which they had fairly gained in 1855. He should take no part in the division, but he advised the House to be on its guard and remember always that the estimate for the Houses of Parliament was £750,000, and the actual cost £2,500,000. They were the worst Building Committee in the world, and they stood disgraced in the eyes of Europe as men of business. The cost of this undertaking would, he believed, in like manner swell into a million, and if any Gentleman would move that both plans be rejected, and the thing thrown open as at first, he should be happy to vote for it; but he would say nothing of the merits of the Palmerstonian style, the Manners style, or the Gothic.

VISCOUNT PALMERSTON: Sir, the battle of the books, the battle of the Big and Little Endeans, and the battle of the Green Ribbands and the Blue Ribbands at Constantinople were all as nothing compared with this battle of the Gothic and Palladian styles. I must say that if I were called on to give an impartial opinion as to the issue of the conflict, I should say that the Gothic has been entirely defeated. The noble Lord who sits opposite (Lord John Manners) made it a reproach to me that whereas he, an ardent and enthusiastic devotee of the Gothic style, appointed Mr. Scott as architect, superseding those who had won the highest prizes—thus stepping out of the usual way of selection—and appointed him—I will not say solely and entirely, because he was a Gothic architect, for Mr. Scott has, no doubt, high professional merits, but mainly on that ground—and that whereas when I succeeded to office, and confirmed Mr. Scott's claim as architect, though I did not also agree with him in adopting the style of architecture which he approved, I was bound to adopt not only the noble Lord's architect but the noble Lord's style with him. It is, I think, rather too much for a person who has left office to expect that his views in all things shall be followed by one who comes into office after him. It has sometimes been made a reproach to a new Government that they have adopted the measures of their predecessors; but it is surely no reproach to me that I did not adopt the views of the noble Lord with respect to the style of architecture that we ought to use. The noble Lord alluded to the practice of large towns in respect to architecture; but he forgot to say that some of the noblest edifices in our large towns are in the Italian or Roman style. He adverted to Liverpool. Did he forget St. George's Hall in that town? [Lord JOHN MANNERS: I did not refer to Liverpool.] Then the noble Lord took care not to mention Liverpool, or that noble building St. George's Hall. But he spoke of Manchester, though he did not refer to the Free Trade Hall, a splendid building in the Italian style. Then look at Leeds. Does the noble Lord forget the large and handsome building which is so justly considered the ornament of that town, and which is also in the Italian style? Here are buildings of great magnitude and beauty, and costing large sums of money, erected lately by the people of these towns, and I say these are indications of the taste which prevails in these towns. Then, the noble Lord went further, and saddled on the city of Edinburgh—the modern Athens—upon Edinburgh, which has adorned the Calton Hill with an imitation of the Parthenon—not being satisfied with the Italian, but going back to the Greek—the imputation of having been converted to the Gothic style. Why, Sir, I call upon every Scotch Member to repel that gross calumny. Well, objections have been made on the ground that these plans have no originality. It is said, in the first place, that Italian—I will not call it Palladian, but the Roman classical style—is not a national style. But is the Gothic national? I never heard of the Goths, the Vandals, or the Saracens doing much in this country. I have been told in my early years that the Romans were in this country for a considerable number of years, and it is probable, therefore, that they have better claims to have established in this island a system of architecture that may be considered English than those people who never came here at all. My noble Friend has talked about the real ancient architecture of England. The right hon. Gentleman (Mr. Cowper) suggested that Stonehenge must be the style intended. But I will go further, and say that the real aboriginal architecture of this country was mud huts and wicker wigwams. These were the original styles of those who first inhabited this island When, too, we are told that the Gothic has been practised at certain periods, I reply, so also was the Italian. When we are asked what is our national architecture, we might, I think, very reasonably, inquire who have been our most distinguished architects, and what style they have practised. Well, who were the most distinguished architects, of this country? One of them was Vanbrugh, who, although it was said of him that he "laid many heavy loads" on earth, yet has given us some very fine buildings in the Roman or Grecian style. Then we have Sir Christopher Wren and Inigo Jones. They were great men who constructed great works which to this day excite the admiration of all who behold them. Do not tell me, therefore, that Gothic architecture is the characteristic architecture of this country. If there was one characteristic style of architecture more prevalent than another it was that employed in the castellated mansions which were erected for purposes of defence, and which we now find all over the country. But the reasons why these buildings were erected have ceased to exist, and we may, therefore, dismiss that style of architecture. The noble Lord told us that there was no style that gave so much light as the Gothic. We have heard, however, of

"Great windows that exclude the light,
"And passages that lead to nothing."

That, doubtless, was in the Gothic architecture. My noble Friend and my hon. Friend very kindly invited me to take a morning drive with them—an invitation which I regret I was unable to accept. They went through the streets of London to test the public taste, and they found a certain number of edifices in the Gothic style, forgetting, however, all those fine buildings, such as St. Paul's, Somerset House. [An hon. MEMBER: The Post Office.] Yes, the Post Office and others. It is very much as if a gentleman were to drive through the streets of Rome, and, seeing a great number of children with their arms broken and their legs out of joint, exhibited as beggars for the profit of their parents, and forgetting all the well-conditioned, stout, and able-bodied people that he saw, were to say "Let us go home and make our children like them, for that is the taste and habit of the Roman people." My noble Friend would reverse the boast of the Roman Emperor. He objects to stone, and would make these buildings of brick. Well, we know what the colour of brick becomes after it has been some time exposed to the London smoke. We know that it becomes the most dingy and gloomy colour that can be imagined. I am afraid of quoting an Italian authority against my noble Friend, or I might quote the opinion of Canova, a man versed in the arts, and supposed to be a very good judge. He told me, talking of London, and speaking with Italian hyperbole, "If London were only whitened it would be a real Paradise." But my noble Friend, instead of making it a real Paradise, would make it a real—something else, with the gloominess that he would scatter over all the streets that he had the power to command. His great objection is the want of variety. Well, no doubt it is well known that error is infinite and truth is simple. Bad taste is infinite, and good taste is simple, and, therefore, it is perhaps that the Gothic admits of an infinite variety. But nothing will satisfy my noble Friend but the invention of some new order of architecture. Mr. Nash, a great architect, tried that experiment, but had not much success. We all remember the story of a gentleman who, walking along Regent Street, and being struck with something very irregular in one of the houses being constructed, said to the clerk of the works, "Good Heavens! what order of architecture do you call that?" The man said, "Oh, Sir, that is Mr. Nash's positive order." Well, I should like to see the "positive order" of my noble Friend. If my noble Friend wants to invent a new order of architecture, and if it be worth while, let us offer a premium for it. But for Heaven's sake, seeing that we want a Foreign Office, that the Foreign Office is tumbling down, that the Colonial Office is following its example, that we want a new India Office, that the State Paper Office is crammed full and has not space for two years' more papers, I hope he will not call upon us to delay providing for these buildings until he or somebody else shall have invented a new order of architecture that shall be approved by the House of Commons—which is not a very likely thing to happen. It is quite true that I did object to the first plan of Mr. Scott, as being Gothic, and on that account not suitable. Gothic architecture is very fit for churches and other edifices, but I hold it to be very unfit for street architecture in a town where unquestionably a great number of our buildings are of a different character, and we want to combine external appearance with internal arrangement. Objection has been taken to the Italian style on the ground of monotony. But the new plan and the old are of an entirely different character; and I hold that, whether in external appearance or internal arrangement for offices, the Gothic, on the whole, does not admit of the same easy subdivision internally, and is not the proper style. Then Mr. Scott brought me an amended style, which appeared to me Gothic in disguise, with pointed windows rounded at the top. And then he brought me another style, Saracenic or Byzantine. I said then "I know you are capable of excelling in any style; now, do for Heaven's sake go and bring me something in the Italian style!" Mr. Scott did bring me an Italian style, and we have heard from the noble Lord that it has been admired by the very best judges. I do not myself pretend to be a judge of the scientific merits of architecture, but it seems to me a very beautiful plan, and one which combines with sufficient beauty and ornament great moderation of expense. I think that is an important point. If we adopt the suggestion of my hon. Friend, and adopt different colours and different marbles—with Cornish granite and serpentine outside, which would be costly to get and to work—I say the expense would be enormous. And, after all, let us recollect what the site is to be. The front towards Parliament Street will be seen, the front towards the Park will also be seen; but the side towards Downing Street will not be much seen, while the other side will not be seen at all; and, therefore, it would be a waste of public money to throw away a great deal in constructing a highly ornamented building for a Foreign Office. For these reasons I determined that Italian should be the style submitted for the approbation of the House. The building is to comprise the India Office. My right hon. Friend the Secretary of State for India, who is to build his portion out of the Indian funds, greatly approves the style last prepared by Mr. Scott. If we were to make our part Gothic and his Italian, I do not think we should add much to the beauty and ornament of the whole. I will only now answer the appeal made to me personally by my hon. Friend. He has had the kindness to give me credit for some common sense. He said I had lately shown the possession of that quality by going down to Harrow to lay the first stone of a Gothic building there. Well, I think that did show common sense. I am not fond of the Gothic, but, having been applied to to lay the stone of a Gothic library, the plan of which was approved by the proper authorities, which was in harmony with a Gothic chapel close to which it was to be placed, and also in keeping with old John Lyon's school-house, I waived my objection to the Gothic style in attending on that occasion. Now, I ask my noble Friend and my hon. Friend to show the same good sense on this occasion. I ask them to waive their prejudices, and to agree to lay the first stone of an Italian building; and I am quite sure that when they see that building rise they will have the same feeling that I shall experience when I see this Gothic library—namely, one of great pleasure in having contributed to its erection.

Question put, "That the words proposed to be left out stand part of the Question,"

The House *divided:*—Ayes 188; Noes 95: Majority 93.

Main Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee; Mr. MASSEY in the Chair.

(In the Committee.)

(1.) £30,000, New Foreign Office.

SIR HENRY WILLOUGHBY wished to know whether any estimate had been made of the entire expense to be incurred by the erection of the new office?

MR. COWPER said, a general estimate had been made, as far as it could at present be calculated, of the whole expense of the building, which was £200,000. But tenders would be asked for, and no building would be commenced until they had a contract in gross of the whole sum. The £30,000 now asked for was the amount which might be expended during the present year.

LORD ROBERT CECIL thought the Government ought to name a sum beyond which they would not go in accepting tenders for the erection of the new offices. He made this suggestion because he feared we should go again through precisely the same process as had been gone through in regard to the new Houses of Parliament. In the first instance, a sum approximating to what the whole expense was supposed to be was named; but the Government of that day said there were some uncertainties in reference to details which it was impossible to define at the outset; but great hopes were expressed by the Treasury Bench that beyond a certain amount the expenditure would not extend. What, however, were the facts? Year by year greater expenditure was incurred, so that the cost, instead of being confined to £700,000, the original estimate, rose to £2,500,000; and the building was still unfinished. He hoped the Committee would take every precaution against any similar waste and extravagance. It ought to insist upon an absolute pledge from the Government that a certain amount of money would not be exceeded; and that the Government should be held responsible for any unauthorized changes in the design of the building involving an augmentation of the expenditure originally agreed upon.

MR. BAILLIE COCHRANE complained that there was no unity of design so far as the proposed buildings were concerned, and thought an estimate of the whole of the improvements which it was intended to make in the vicinity of the Houses of Parliament should be furnished.

MR. AUGUSTUS SMITH said, the right hon. Gentleman the First Commissioner of Works evidently did not understand the question put to him by the hon. Member for Evesham—namely, whether this sum of £30,000 would be the whole expense of the new office. In the course of the recent debate the sum of £200,000 was spoken of.

MR. COWPER said, that the total estimate was £200,000. The sum now asked for was that which it was proposed to expend during the present year. With regard to the remarks of the noble Lord (Lord Robert Cecil) in reference to the augmented expense of the Houses of Parliament, he might observe that there was no security for a definite expenditure so good as a contract. When Sir Charles Barry was architect to the Houses of Parliament there was no contract in gross for the whole building, and no security taken that the approved plan would be adhered to. The plans were altered and enlarged from time to time, and after the first block of building had been erected, the only contract was for a schedule of prices. The course intended to be taken in the case of the new public offices would be different, inasmuch as he intended, having procured plans and specifications to put them out to tender, and then to enter into a contract providing for their construction for a gross sum. Such a contract would be superseded only in the event of a departure from the original plans, which could only take place on the responsibility of the person holding the office which he occupied. He had no reason, therefore, to suppose that those buildings would not be erected for a previously ascertained sum, or that the amount of the original estimate would be exceeded.

MR. BERNAL OSBORNE asked the right hon. Gentleman to inform the House upon one point. The noble Viscount at the head of the Government incidentally let fall an observation, to the effect that the President of the India Board was anxious that the building should be commenced, in order that there might be a grant obtained. Now, he (Mr. Osborne) wished to know whether this sum of £200,000 included the building of the Colonial, Indian, and Foreign Offices?

MR. COWPER: No; only the Foreign Office.

LORD ROBERT CECIL said, the right hon. Gentleman had not answered one important part of the question, namely, whether the Committee was to receive any guarantee from the Ministers of the Crown that a certain amount to be named as the expenditure for this new building should not be exceeded.

SIR GEORGE LEWIS said, it was utterly impossible for the Government to do more than cause an estimate to be made, to apply for a Vote founded upon that estimate, and to give instructions that the contract should not exceed the sum stated. But everyone knew that in spite of every care estimates of that kind would be exceeded. Should that happen the only course the Government could take would be to bring the excess under the notice of the House. The House could then inquire into the circumstances, and if they did not approve of the additional estimate, they could revise it. The Government could not go beyond the money voted by that House. It was impossible to say that unforeseen circumstances might not arise to make an increase of the Vote necessary. All they could do was to take every precaution that such should not be the case.

Mr. WHITE said, he could not accept the reply of the right hon. Gentleman as satisfactory. There were so many instances of the estimates having been greatly exceeded, and architects seemed to have such capacious notions, that although the Minister might not intend to spend more than £200,000, the building might be commenced upon proportions which would render it impossible to stop at that amount; and then the House would be asked to vote large sums in addition, in order to prevent the first outlay being made to no purpose.

Mr. PEASE said, he understood that the buildings were to be constructed by contract. That involved the question, what was the limit which the House would assign to that contract? He begged, therefore, to move that the Vote be deferred until the tenders be received by the First Commissioner of Works.

Mr. COWPER said, the course taken with the Houses of Parliament was that which he was anxious to avoid. The course which he proposed to pursue in the case of the new Foreign Office was that which in the case of ordinary buildings was usually adopted. Tenders would be invited, but what the amount of those tenders would be he could not, of course, pretend to say. The present estimate was founded on a tender sent in two years ago from the design which had received the approval of his predecessor in office. The officers of his department believed that the estimate now before the Committee would cover the expenditure, and the sufficiency of the Estimates would be ascertained when he received the tenders. He could not say what a future Chief Commissioner might do with respect to any excess of expenditure, but he was decidedly of opinion that no excess should be incurred without the knowledge of the House. It was suggested that they should not vote the money till they had the tenders; but how could the Government get substantial tenders when Parliament had not sanctioned the Vote?

Mr. BERNAL OSBORNE said, if they could ensure that his right hon. Friend should remain at the Office of Works, he would be content to leave the matter in his hands, for he well knew his zeal and perseverance. But suppose that the right hon. Gentleman should, by some dispensation of Providence, be removed from his present office, how could they tell what might be the character of his successor? They might get a Gothic Commissioner instead of a Palladian; and the House might hereafter be of a different temper from what it was now. As matters, therefore, stood, they had no guarantee whatever that the expense would be confined within the present estimate. The Motion of his hon. Friend the Member for Durham (Mr. Pease) would postpone the estimate for a year; and he would gladly support it on that ground, for he was of opinion that they were going into this matter without sufficient consideration.

Mr. BLACK said, every gentleman engaged in building knew that the cost was likely to exceed the original estimate; and this was more likely to happen with a public building than a private one. But he did not think that was any reason for postponing the estimate. The great object ought to be to get the plans made out as perfectly as possible, and when the contracts were taken to have them laid before the House. It would then be the duty of the House to see that these contracts were not exceeded.

Mr. W. WILLIAMS asked what was the estimated expense of Mr. Scott's Gothic design?

Mr. COWPER stated that the Gothic building first designed by Mr. Scott would have cost £230,000; but by diminutions in the amount of accommodation provided and otherwise that sum might have been reduced to £200,000.

Mr. CONINGHAM thought it would be unsatisfactory to vote the money until they had some further information as to the plans and interior arrangement of the building. These matters seemed to have been regarded as matters of altogether secondary consideration.

Mr. E. BALL thought that they could not postpone this Vote, and that, in reason, they ought not to do so. The argument on the other side appeared to be that they should not spend what was admitted to be necessary now for fear they might afterwards be called to expend what was not necessary. Now, it was admitted on all hands that they could not bind their successors, and, therefore, all they could undertake to do was to study economy in the most rigid way, and thus guard themselves and set the example to their successors to guard against the extravagance that in former times had been practised.

LORD JOHN RUSSELL thought it was obvious that the Chief Commissioner could not pledge any future Government or any future House of Commons. There would be no use, therefore, in postponing the Vote for one year, or even for ten years. They could only go upon reasonable expectations. The internal arrangements had been much considered. Some time ago the Under Secretary and other persons connected with the Foreign Office went over the whole subject, and the interior accommodation was found satisfactory. The only opinion he had himself expressed was that he thought it would be unnecessary to provide any residence for the Secretary of State. He believed the plan had been curtailed to that extent.

MR. DANBY SEYMOUR submitted that the working plans ought to laid before the Committee. It had been assumed that we ought to spend £200,000 upon the Foreign Office alone. He denied that that so large an expenditure was necessary, and stated that many Members had gone away under the impression that £200,000 would build, not only the Foreign Office, but, likewise, the India Office and the Colonial Office. The Select Committee said that £90,000 would be sufficient for the Foreign Office. Until they had seen, not only the elevation, but the plan of interior arrangements, the Committee would not do its duty if it voted this Estimate; the proposal of the hon. Member for Durham was, therefore, a reasonable one. If they knew they were in the hands of a great architectural genius—some Sir Christopher Wren, who would produce a work that would be a credit to the country and to the age—they might leave him to expend the public money with something like confidence; but everybody condemned this plan, and the only reason that was given for proceeding with it was that they were tied hand and foot to Mr. Scott. Why did they not pay Mr. Scott a sum of money for his trouble, and then procure a proper plan for the erection of a building that might be worthy of the country? For his own part, he thought that plan was the best which provided the requisite accommodation at the cheapest rate—for no plan of great beauty had been laid before the House. Mr. Pennethorne had erected the Museum of Practical Geology in Jermyn Street: it was a very simple building; everyone admired it; and he offered to build the Foreign Office for just one-half the sum Mr. Scott required for a most common-place building, which had only been accepted in the block in the hope that it might be susceptible of improvement in the details. Nothing could be done until next Spring, and he thought it a very reasonable proposal that this Vote should be postponed in the meantime.

VISCOUNT PALMERSTON: Certainly my hon. Friend proposes a method of securing that there shall be no criticism on the Foreign Office, because if his proposal be adopted it will never be built. That is the only way in which you can prevent criticism on the Foreign Office, by not having it at all; because in regard to architecture, as in regard to every department of the Arts, it is impossible for the genius and ingenuity of man to invent anything which shall not be criticised. Now as to the elevation—building is a more ambiguous word—but after the discussion which has taken place it may be assumed the elevation is decided upon; and I may venture to say this, my hon. Friend thinks it is not sufficiently ornamented. It is not so ornamented as other elevations, and, therefore, it costs less. It may not be a splendid and magnificent piece of architecture, but it is handsome enough for the purpose, and I am quite sure it will be constructed at less cost than any of the other elevations. My hon. Friend has talked of Mr. Pennethorne's—a very handsome elevation; but, if I am not very much mistaken, there was a great deal more ornament in it than in the elevation of Mr. Scott. Well, now, with regard to the ground-plan, my hon. Friend wants the drawings and distribution of the interior to be laid before the House. Now, how can this House form any judgment as to the working plans and internal arrangements? My hon. Friend says when a man builds a house he requires an architect to submit plans as to the distribution of the interior. He is quite right to do so, because he means to live in the house, and he naturally wishes to know whether the arrangements of the interior will suit his convenience. But the House of Commons is not going to live in the Foreign Office.

The Foreign Office has been examined by the persons who are going to inhabit the building, and they have informed Mr. Scott what extent of accommodation will be necessary for them, and how it should be given. As to the capacity of this House to judge advantageously and economically of plans of distribution, we all know that the distribution of this building was very much looked to by Committees of the House; I cannot say that the result has been exceedingly satisfactory. With regard to expense, that depends on the amount of space covered by the building, and the elevation to be given to the building. The amount of space is a fixed quantity; the elevation we have seen, and the fault found is that it is not sufficiently handsome. That is a fault which economists cannot urge. I think it is quite handsome enough. It will be an ornament to the Metropolis; but if we go on postponing from year to year providing the money for it, the Foreign Office will never be built. It is now only lodged in a temporary manner in a building hired for the purpose. Nothing can be got by delay. The sooner the building is begun the sooner we shall obtain our object, and save inconvenience and expense.

Lord ROBERT CECIL said, they would gain this by delay—they would gain some guarantee for the expense, which they had not at present. He did not care much about the style of the building himself; but he knew that Mr. Scott could not give them very accurate estimates, for Mr. Scott was a Gothic architect, and to get a Gothic architect to build a Palladian structure was about as reasonable as to employ a landsman to build a man-of-war.

Mr. CONINGHAM said, that the manner in which the plan had been brought before the Committee bore every mark of haste. He thought it was only reasonable that the Government should state distinctly what they were going to do, for of late years they had been erecting public buildings at an expense greatly exceeding the estimates.

Mr. DANBY SEYMOUR observed, that Mr. Pennethorne had offered to build the Foreign Office for £60,000, while Mr. Scott's plan was estimated at an expense of £170,000. Why should they give Mr. Scott the difference? By obtaining an estimate of the proposed building hon. Members would be able to determine whether it was likely to be erected for the sum named. He wished to explain that he had never said that this design was not sufficiently ornamented; but that he disapproved of the ornamentation proposed.

Mr. BRISCOE said, although a majority of the House had decided in favour of Palladian architecture, they were wholly without information as to the ground-plan of the building. The former plan contemplated a ball room 150 feet in length, and a supper room 50 feet in width; he trusted that on this occasion such absurdities would be avoided, and that in the building only the actual requirements of the public service would be contemplated. In the absence of a model, or of some reliable details, the House was proceeding with unjustifiable haste. He thought they ought to have some security as to the way in which the money was to be expended, and he, therefore, hoped the Vote would be postponed.

Mr. PEASE thought he could gather that the Committee was not prepared to withhold its confidence from the Government on the matter; and, therefore, he would not divide the House. It was only due to the First Commissioner of Works that he should have some authority to strengthen his hands. It would be found that this discussion on the Estimates was only like the drops before the thunder storm, if they proceeded with the reckless expenditure of the public money that was now going on.

Sir HENRY WILLOUGHBY asked, whether the present Vote was to be expended with a definite object, or whether it was but the first step by which the House would be drawn into an indefinite expenditure, as in the case of the Houses of Parliament, which commenced with an estimate of £700,000 and gradually swelled to £2,000,000? If it was to be supposed that by voting for this sum they were pledging themselves to an expenditure of £200,000 he would not vote for it. He should greatly like to know on what foundation the present calculations were based.

Mr. W. E. DUNCOMBE said, the plan proposed was very much objected to; and, therefore, he trusted the noble Lord would consent to some delay. There was also a fair claim for the postponement of this Vote from the circumstance that many hon. Members had left the House under the impression that it included not only the Foreign Office, but an expenditure upon the Indian Office, and a residence for the Secretary of State.

Mr. AUGUSTUS SMITH wished to know, did the £230,000 include the purchase of the land as well as the erection of the building?

MR. COWPER said, that the total of the Estimate was £200,000 and not £230,000. That was for the works only, and did not include the purchase of the land. He did not see how hon. Members could justify the impression that the India Office was included; because his noble Friend had distinctly stated that the India Office would be paid for out of the revenues of that country. He was surprised at the charge of haste in this case, seeing that the subject had been under discussion for the last four years, and had been carefully examined by two Governments, and he could not see how matters would be improved by delay. The plan of Mr. Pennethorne, which had been referred to by his hon. Friend the Member for Poole, was made before the competition for the Foreign Office, and formed part of a general plan for public offices. It was not adopted at the time, and would, if it were now submitted, be found totally inadequate to the demands of a Foreign Office. There was a large space in Downing Street lying waste, and in a condition that was disgraceful to the Government. He did not see that any advantage could arise from detailed plans of the interior of the building being submitted to the House; for it would be impossible for the House to go into them. The Vote now before the Committee would authorize the Government to ask for tenders. He could not now foresee exactly what the tender would be. It was impossible for him to bind himself to any sum; but he would undertake that tenders should be asked for on a complete plan, from which there need be no departure.

SIR JOHN SHELLEY believed the Committee would be lucky if they got the Foreign Office erected for £200,000. He rejoiced that the House had decided in favour of the Palladian style of architecture, but he deplored that the building was to be erected by a gentleman whose great renown had been obtained from his designs of Gothic buildings. The best thing that could be done would be to pay Mr. Scott a premium, and then to engage a good architect who had fully studied the Palladian style of architecture.

MR. DANBY SEYMOUR explained that he found the estimate of Mr. Pennethorne—£60,000—in the Report of the Select Committee, and that that estimate was submitted to the House by the responsible Government of the day.

SIR HENRY WILLOUGHBY wished to ask again how the architect would be remunerated, and how the land had been paid for, or possession of it obtained, and whether any part of it appertained to the Land Revenues of the Crown?

MR. COWPER said, the architect would receive the ordinary Commission on the cost of the work. The Government did not intend to depart from that custom. A portion of the land which formed the site formerly belonged to the Woods and Forests Department; but an arrangement was come to whereby an exchange of property took place between the Board of Works and the Woods and Forests, and the whole of the site was now vested in the Board of Works.

Vote *agreed to.*

(2.) £50,599, Two Houses of Parliament.

MR. W. WILLIAMS complained that there was no detail of the estimate for the House of Lords.

MR. PEEL explained that it was not usual for that House to consider the application of the sum voted for the expenses of the other House.

MR. LINDSAY complained that there was no room in which a Member could see a stranger who had business with him, and he wished to suggest that a waiting-room should be provided for distinguished strangers visiting the House, who at present were obliged to wait in the lobby.

MR. CAIRD suggested that the latest telegraphic intelligence should be supplied to the reading-room. He also thought that messengers of the House should be allowed to enter the House to deliver to Members the cards of strangers wishing to see them, as was done in the House of Lords.

MR. MONCKTON MILNES observed, that the access to the House was very difficult owing to the number of persons in the lobby. He thought that one of the libraries, that on the right hand upon entering the House, could be applied to the use of Members wishing to see strangers. The want of accommodation for strangers was a subject of general complaint.

MR. COWPER replied, that all the accommodation had already been appropriated, and the only place he could think of would be one of the libraries, if that would not interfere with Members who were reading there. He did not think it would be well to relax the rule and allow persons not Members to cross the floor of that House. The number of messages was so great that the admission of messengers would interfere with the debates.

Lord HOTHAM remarked that the difference between the numbers usually attending the two Houses rendered any comparison between them quite out of the question.

Vote *agreed to.*

(3.) £43,173, to complete the sum for the Treasury.

Mr. AUGUSTUS SMITH asked for explanation concerning the balances for former years. The hon. Member also animadverted on the system of employing "temporary, supplemental, and extra clerks" in the Government offices. Vacancies in the permanent staff ought, he thought, to be filled up from the list of temporary *employés.* There should also be a better classification between those who did head work and those who were mere copyists. The practice of employing men of superior attainments in mechanical drudgery led to discontent, slovenliness, and useless expense.

Mr. PEEL said, that the balances were given as they stood on the 31st of December, in consequence of the recommendation of the Committee on Miscellaneous Expenditure to that effect. He did not know how a better arrangement than that at present existing in regard to the clerks in the Government offices could be adopted. The business of registering and copying papers was not performed by the superior class of clerks, because it would be a waste of power for them to do so. In the Treasury there were about twenty supplemental clerks, with salaries ranging from £120 to £500, and it was only in exceptional cases that they rose to the superior class. They knew the footing on which they entered their situations, and he was not aware that any dissatisfaction existed among them. The temporary clerks were appointed to meet an occasional extra pressure of work.

Mr. W. WILLIAMS complained of the number of messengers in the Treasury. There were sixty-three clerks and twenty-four messengers. In the Lord Advocate's office there were three messengers.

Mr. PEEL said, a great many messengers were required in the Treasury. In the Lord Advocate's office one of the messengers acted as clerk.

Vote *agreed to,* as were also,

(4.) £25,753, Home Department.

Mr. Cowper

(5.) £30,449, Colonial Department.

(6.) £46,715, to complete the sum for the Foreign Department.

Mr. LINDSAY said, there were five or six gentlemen in the Foreign Office—the chief clerk and the senior clerks—who were receiving from £1,000 to £1,200 a year each, who were allowed to act as agents for consuls and persons engaged in the diplomatic service abroad, and receive fees for so acting. He considered that such a practice was at variance with the rules laid down for the guidance of the clerks in public offices. This matter had been discussed before the Committee on Consular Services. In the course of the examinahe asked Mr. Alston, one of the gentlemen who acted as agent, what he did for those for whom he acted? He replied that he drew the salary and took charge of the letters; and on being further questioned he said, "I believe I stand their friend in all things. I endeavour to be so, and do all I can for them." Now, this might be attended with prejudice to the public service. As "their friend" he would naturally do what he could for them in the way of promotion, in privately advising them of any vacancies, and so forth. And suppose that he (Mr. Lindsay) were to complain of a consul for not having attended to his duty in reference to one of his ships. He brought the matter before the Secretary of State for Foreign Affairs, who referred the question as likely enough it would be one of detail, to a clerk in the Department. It might so happen that that clerk was the agent of the consul complained of, and of course he would endeavour to put the case in a favourable light for his client before the Secretary for Foreign Affairs. If he did not get a satisfactory explanation he should consider it his duty to move to reduce the Vote by £3,000, which, he believed, was about the sum these clerks received for these services.

Mr. MONCKTON MILNES, as Chairman of the Committee that was sitting on the Diplomatic Service, felt himself called upon to make an observation or two on this subject. At first sight it might appear to be inconvenient, and a practice liable to abuse, that the clerks at the Foreign Office should be allowed to act as agents in the way that had been described. Before he took part in the inquiries of the Committee he had formed that opinion; but he came out of the inquiry with a contrary conviction, and with a belief that the custom had sprung up naturally and inevitably out of the relation that subsisted between the Foreign Office and the diplomatic and consular services abroad. These services were, in fact, a portion of the Foreign Office, performing its functions all over the world. The gentlemen employed in these services found it convenient to be brought into connection with the Foreign Office by means of some persons connected with it, without the necessity of having to apply to the Foreign Secretary on matters on which the chief clerks were in possession of all the information; and he must say he was unable to find that any abuse had ever occurred from the fact of these gentlemen acting as agents for them. The relations, also, between the officials of the Foreign Office were of the most confidential kind, and it would be productive of public inconvenience if strangers were permitted to interfere between the Office and its agents. The question which, in his opinion, the House and the public had to consider was whether any Foreign Minister had ever complained of the system as one that interfered with the right discharge of the duties of clerks in the Foreign Office, and whether it in any way detracted from their usefulness as public servants. So long as no complaint could be made on those heads he thought it would not be right for the House to interfere.

LORD JOHN RUSSELL said, this was a matter upon which evidence had been taken before the Committee on the Diplomatic and Consular Service, and on which they could report if they thought fit. For his own part, he thought there was no public wrong done by the chief clerk and the senior clerks holding these agencies for our Ministers abroad. Those Ministers sometimes would be glad to receive information for which they could not write to the Secretary of State, and they could not with propriety get some agent out of the Office to go to the Foreign Office and obtain it for them, because the nature of the service in the Foreign Office was of the most confidential kind, and it required that there should not be reports spread abroad as to the changes likely to take place, or leave of absence, or anything of that kind. The chief and senior clerks could give the information privately to the diplomatic Minister without employing a great deal of time. There were certain hours, and certain duties that must be performed, whatever the hours might be, and he could not find that those public duties were neglected in consequence of these agencies; while, on the other hand, he believed the public service was benefited by the arrangement.

MR. LINDSAY said, that at the War Office and Admiralty there was no objection to afford information to agents of officers of the army and navy, and he did not see why there should be objections to an agent visiting the Foreign Office.

VISCOUNT PALMERSTON could confirm what had been stated by his noble Friend (Lord John Russell). He had certainly in the first instance entertained the doubts which had been expressed by his hon. Friend (Mr. Lindsay) as to the expediency of the arrangement in question; but inquiry had satisfied him that it was a desirable and proper arrangement to be continued. The Foreign Office was totally different from the Admiralty or the War Office, inasmuch as it had to do with very delicate diplomatic transactions; and if our Ministers and Consuls abroad could appoint persons not in the Office as agents, they must have the run of the Office, and they would thus often obtain a knowledge of facts which, put together by persons out of the Office, might be of very serious inconvenience to the public service by enabling persons to further their own interests in a manner which it was not proper to encourage. He had himself been sometimes engaged in difficult and delicate negotiations upon which foreign Ministers took a different view to that which he himself took; and those persons might consider it of great importance to know when a messenger was going to leave, the hour of the day, or the day of the week. The knowledge of that simple fact might be of great importance for thwarting the object in view. His hon. Friend said that the system might lead to favouritism; but from the practice pursued in the Foreign Office he thought that this was not likely. He could assure his hon. Friend that this system of agency could not lead to any indulgence to any particular diplomatic agent abroad.

MR. LINDSAY said, that what he had heard from the two noble Lords had in no way altered his opinion of this arrangement. He made no charge against the honour of these gentlemen, but if they occupied any portion of the time between ten and four o'clock in their correspondence with the Ministers, they were occupying upon their private concerns time for which they were paid by the nation. Why should there not be some person in the Foreign

Office, not paid by the Crown, who should do all this business?

Mr. DISRAELI thought that the matter was deserving of consideration, and that the hon. Member had put it before the Committee clearly and without any partiality; but at the same time he should remember that there was a Committee sitting upon the Diplomatic Service, which Committee had investigated this matter, and were about to report to the House. Probably, under these circumstances, the hon. Member would not think it necessary to ask the opinion of the Committee. He must, however, express his regret that the Chairman of that Committee (Mr. M. Milnes) should have thought fit to favour them with the foregone conclusion of the Committee upon this subject; it would have been far better if he had stated that the Committee were still receiving evidence, and, of course, had not concluded their labours.

Mr. MONCKTON MILNES said, that this was a question which did not necessarily or even naturally come within the purview of the Diplomatic Committee; and, therefore, he could not accept the reproach of the right hon. Gentleman.

Lord JOHN RUSSELL considered he was bound to answer the question put by the hon. Member—namely, whether he thought the public lost the salaries or time of the senior clerks by these agencies. He had to reply that the public service did not suffer thereby, and he should have left an unfavourable impression if, as suggested by the right hon. Gentleman, he had declined to answer the question until the Committee had made their Report.

Vote *agreed to*; as were also the following:—

(7.) £20,508, Privy Council Office.

(8.) £44,595, to complete the sum for the Board of Trade.

(9.) Motion made, and Question proposed,

"That a sum, not exceeding £2,760, be granted to Her Majesty, to pay the Salary of the Lord Privy Seal, and the Expenses of his Establishment, to the 31st day of March, 1862."

Mr. HENNESSY moved that the Vote be reduced by £2,150, the salary of the Lord Privy Seal and his Secretary. He expected that some member of the Government would have told the Committee what were the duties of the Lord Privy Seal. He believed he had no duties to perform. The Commissioners of the Civil Service, the Paymaster General, and other officials received no salaries, although they had onerous duties to discharge, while the Lord Privy Seal had nothing to do and received a salary.

Mr. PEEL said, that as the hon. Gentleman gave no reasons for moving the reduction no explanation seemed necessary. It did not follow that the public officers to whom the hon. Gentleman had referred received no salaries from the public, the fact being that they held offices for which they were paid conjointly with others which they discharged gratuitously. The subject was discussed last year, and it was then explained that as a member of the Cabinet the Lord Privy Seal had very useful duties to perform; inasmuch as it had been found very advantageous that there should be one member of the Cabinet who would have time to attend to any miscellaneous business that might arise.

Whereupon Motion made, and Question,

"That a sum, not exceeding £610, be granted to Her Majesty, to pay the Salary of the Lord Privy Seal, and the Expenses of his Establishment, to the 31st day of March, 1862."

Put, and *negatived.*

Original Question put, and *agreed to.*

(10.) £6,106, Civil Service Commission.

Mr. W. WILLIAMS observed, that as the Commissioners were unpaid he could not see the necessity for so many clerks and other officials.

Mr. PEEL said, that the clerks had a great deal to do in examining the returns of the candidates.

The CHANCELLOR of the EXCHEQUER said, there was no establishment with regard to which it was less necessary to make inquiry as to the expenses it entailed. A great amount of collateral business sprang up upon the vast number of examinations which took place annually, and no department of the Government was able to give a better account of its services.

Vote *agreed to.*

(11.) £13,550, Paymaster General.

Sir HENRY WILLOUGHBY inquired whether it was intended to make the office of Paymaster General really effective? As he understood the matter, the Paymaster General did not give any pecuniary recognizances; and the duties of the office devolved on the Assistant Paymaster, who had no legal *status* whatever. He thought the head of a Department should be its responsible officer.

The CHANCELLOR of the EXCHEQUER said, he was not surprised that, after the recommendations of the Select Committee, the hon. Gentleman should bring this subject forward. But with respect to the office of Paymaster General, it was one of the cases in which it would be impossible to obtain recognizances of such an amount as would cover the pecuniary risks involved. That, however, was a separate question, and might very properly be considered by any Member of that House who was desirous of raising the question. The Government believed that the present arrangement, which did not depend on recognizances, but on mutual checks, was perfectly sufficient for the purpose; and since it had been in operation he did not believe there was any reason to suspect that any fraud had taken place, or could take place. With regard to the question put by the hon. Baronet, he had to state in reply that it was not the intention of the Government to make any change by substituting an effective Paymaster for the present nominal head of the office. The Paymaster General was a political officer of importance and an unpaid servant of the Crown, and the practical duties of the office were discharged by an accountant of the highest skill and ability. If the Paymaster General were abolished, the change, as far as salary was concerned, would be nominal, and in making the Deputy Paymaster the head of the office the Government would be obliged to make a difference in the salary of that officer; but he was not aware that any other alteration would thereby be effected.

SIR HENRY WILLOUGHBY thought that there were grave considerations involved in the question, for the Paymaster General was intended to be a control in certain matters on the Treasury.

THE CHANCELLOR OF THE EXCHEQUER said, he was not aware that the Committee on Public Monies had ever given the smallest countenance to the doctrine that the Paymaster General should be made a check on the Treasury; but he should protest against such an arrangement as being destructive of the responsibility of the Treasury.

MR. HENNESSY inquired, why the Paymaster of the Civil Services in Dublin was abolished, while the Paymaster in Hanover was still retained?

THE CHANCELLOR OF THE EXCHEQUER said, that the office of Paymaster in Hanover was connected with military duties which had to be discharged on the part of the British Government; but there were great hopes that the office would be abolished very shortly. It was a question whether it might not be convenient to make use of this officer in reference to the Stade Dues, the English portion having to be liquidated in German money, and the Paymaster in Hanover might be kept alive for conducting the operation. With respect to the Paymaster in Dublin, the occurrence of a vacancy in the office offered an opportunity for reviewing the whole establishment, and the result had been an arrangement which would conduce to the effective discharge of the public business in conjunction with a considerable reduction of the public charge.

MR. BUTT said, there was nothing to which the Irish people were so much opposed as the system of centralization, and it ought to be clearly shown that the arrangement effected would be both economical and efficient for the public service.

Vote *agreed to.*

(12.) £6,640, Comptroller General of the Exchequer.

MR. ALDERMAN SALOMONS asked, whether the recent changes would not allow of the whole business of issuing Exchequer bills being performed by the Bank of England?

THE CHANCELLOR OF THE EXCHEQUER agreed that it would be desirable the whole business and manufacture of Exchequer bills should be placed in the hands of the Bank of England. There were, however, various other points connected with the duties of the office of the Exchequer standing for consideration and decision, and the Government had, therefore, thought it convenient to postpone handling with this matter until the Report of the Public Monies Committee could be considered, rather than to deal with it piecemeal.

Vote *agreed to.*

(13.) £25,333 to Complete the sum for the Office of Works and Public Buildings.

MR. PEASE asked, what was the difference between the duties of the Assistant Surveyor of Works in, and those of the Assistant Surveyor of, Works out of London?

MR. COWPER said, it was the duty of the former to examine works in London, and of the latter to examine those beyond that limit—such, for example, as Windsor, Hampton Court, Kew, and Frogmore.

Vote *agreed to.*

(14.) Motion made, and Question proposed,

"That a sum, not exceeding £18,708, be granted to Her Majesty, to complete the sum necessary to pay the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues, to the 31st day of March, 1862."

Mr. CAIRD objected to the large amount of fees paid to the solicitor employed in this office—amounting to almost as much as the sum now asked for—and also to the fact, that he was employed in other Government Departments, for which he received extra fees and commissions. Each Department of the Government requiring a surveyor ought to have attached to it a regular surveyor with a fixed salary. It was impossible, in his opinion, that the officer in question could perform such multifarious duties efficiently. Another gentleman was paid for similar duties in another Department a much lower amount. In fact, most competent officers could be obtained, who would do the work for much less payment, and he objected to such a waste of public money. The charge, too, for legal expenses in Scotland was monstrous. It amounted to about 10 per cent of the whole revenue for Scotland. The solicitor for Ireland received but £250 per annum, while the revenue from Ireland was double that of Scotland. In order to test the feeling of the House he would propose that the Vote be reduced £1,000—a reduction which he considered should be made upon the amount paid to the solicitor in Scotland.

Sir HENRY WILLOUGHBY contended that the Committee were not in a position to enter into the question of this Vote. By the 11 & 12 *Vict.*, c. 102, sec. 8, it was provided that the Commissioners of Woods and Forests should lay on the table of the House a full account of their expenditure for the year within three months after the termination of each financial year. This they did, but the statement was kept back until the latest possible moment. Last year it was June 29, and this year it was June 25 before the statement was made. The instant, however, it was placed on the table it was whisked away to the printer, but who whisked it away he did not know. He had endeavoured to get a sight of it, but found this to be the case, and he was unable, therefore, to gain any information about the matter; and further that the probability was the statement would be delivered to hon. Members somewhere about the middle of the recess. It was perfectly impossible under these circumstances that the House could proceed to discuss a Vote with regard to which they really knew nothing. The gross revenue of the Woods and Forests appeared to be £417,000. The expenditure of the establishment was £142,000, making the net revenue £275,000. The expenditure over which the House had no control was, in round numbers, £100,000, in addition to £16,000 percentage paid to surveyors. He wished to have some explanation on those points from the Secretary of the Treasury, and to know whether those charges were increasing. Now, in respect to the Parks, which were in the department of the Woods and Forests, he observed that for Windsor Park the receipts last year were £6,000. This fact showed the folly of a nation farming. It cost for the oxen upon this park about three times their real value. The expenditure on this Park last year was £18,000. The document showing the receipts and penditure of the Parks was a very curious one. There was another point connected with this subject to which he wished to call attention. There was a great financial movement going on in reference to this public property, under the authority of the 10 *Geo.* IV. In the last year it appeared that there was £60,000 of the public property sold, but there was £180,000 of new property purchased. Now he confessed he could not see the advantage of those changes which entailed great losses of the public money, and a considerable expenditure for surveyors and valuers. He wished the right hon. Gentleman the Secretary for the Treasury to give the Committee some explanation upon those points. There would be no occasion to trouble the right hon. Gentleman if the proper papers were before the House. He was compelled, therefore, to ask the Secretary of the Treasury the following questions:—Whether there had been £100,000 expenditure out of the revenue of the Woods and Forests before any balance went into the Exchequer? Whether £16,000 and upwards were paid in the shape of commission? Whether £65,000 had been obtained for the sale of pieces of land here and there? Whether upwards of £100,000 were not invested in other portions of land in the United Kingdom? And where the public advantage was in this system of buying and selling land?

Mr. AUGUSTUS SMITH objected to the Vote altogether, because the House had no cognizance whatever of the expenditure of this Department, which he believed would prove to be far greater than the hon. Baronet supposed, the practice being to account only for the balance between income and expenditure. The Committee on Public Monies, which sat four years ago, recommended that this department should be brought under Parliamentary control, but nothing had been done to effect this object; and while the Commissioners of Works had to come to the House for its approval of the smallest sums, the Commissioners of Woods and Forests expended much larger sums on precisely similar objects at their discretion, which he held to be highly undesirable. They should have Estimates laid before the House of all the expenses connected with this Department as well as with every other Department.

MR. W. WILLIAMS said, that the large sum of £173,000 had been expended by the Woods and Forests, and he could not understand why this further sum of £25,700 should be asked for. If the Crown estates were properly managed he felt convinced they would produce an amount equal to the Queen's Civil List. They might spend £38,000 on the management of the Crown property and the residue would be equal to the Civil List. It seemed to him that £38,000 was a large expenditure on a property producing £400,000 a year.

MR. PEEL said, this Department had been carefully inquired into by a Treasury Committee, and they had reported that it was in a most efficient state. As to the large amount of legal expenditure in Scotland, he did not believe that £2,200 was more than was likely to be expended. He would not enter into the constitutional question, as to whether the expenditure for the management of the Crown property ought to be submitted to and voted by the House; but he believed the present arrangement was in accordance with the compact made with the Crown at the commencement of the present reign. It was not surpising that, with so large a property, opportunities should constantly occur for advantageous sales and purchases, but they were never made without the sanction of the Treasury. Ten years ago this property produced £350,000, and it now produced £417,000 a year. The increase of £60,000 or £70,000 in the rental was proof of how well the property was managed. There would be no objection to giving a Return, showing the cost of management during the last five years.

MR. GREGORY wished to know why the expenses of the management of the Crown property in Scotland exceeded the cost in Ireland in the proportion of eight to one?

THE LORD ADVOCATE said, the whole sum asked for was £25,707. The share of Scotland was £2,200, and that of Ireland £2,000, being an excess of Scotland over Ireland of £200. It was true that the probable amount of the Irish solicitor's expenditure was £250 as against £2,200 for Scotland; but in Ireland there was a machinery of salaried clerks for carrying on the business, while in Scotland the solicitor's charge included the cost of his clerks, counsel s fees, and other expenses. Many questions had arisen in Scotland as to rights of the Crown in the foreshore and salmon fisheries, which, if not insisted upon, would have ended in a great loss of revenue; but they had entailed considerable legal expenses.

MR. FINLAY said, that, in addition to the £2,200, there was a further sum of £6,000 for Scotland. The expenditure was £8,000 to get a revenue of £27,000 a year. He believed that an unnecessarily large amount was spent in litigation in Scotland.

MR. CAIRD said, that the clerks in Dublin were not connected with the legal proceedings, but with the management of the landed property. Ten per cent for legal charges on the whole amount of receipts was surely exceptional.

MR. HENNESSY said, the Secretary of the Treasury had not noticed an inquiry as to the expenditure of £500 to feed game at Windsor. Last year when he called attention to the great distress in Ennis he was told that it was absurd to ask this House to vote money to feed the poor. As they were not to vote money to feed human beings, he should like an explanation of £500 expended to feed game.

THE CHANCELLOR OF THE EXCHEQUER said, it was perfectly competent for hon. Members to investigate any of the charges incurred in the management of the Crown lands; but this Vote was for defraying the expenses of the office of Woods and Forests, and it was no more possible effectually to examine into the charges of management when debating the expenses of the office than it would be possible to discuss the Army Estimates in voting the expenses of the War Department. The mode of dealing with the Crown estates had been settled at the beginning of the present century by express contract. At the commencement of the reign a contract was entered into with the Sovereign, and the Sovereign in pursuance of that contract had made over the right to receive the net proceeds after all the charges connected with the management had been defrayed. No estimate could possibly be submitted to the Committee for its previous sanction of those charges without an alteration in the law. At the same time he did not intend to imply that they were removed from the control of the House, but that control could not be exercised by proceedings upon the Estimates. The Act of Parliament passed in 1851 gave the Treasury control over the proceedings of the Woods and Forests, and the House of Commons, therefore, might challenge the conduct of the Treasury in regard to the proceedings of the Woods and Forests, and call on the Treasury to show why those proceedings should not be altered.

Sir HENRY WILLOUGHBY said, the management of this property did not rest on any compact between the Crown and Parliament, inasmuch as very important alterations had been made in the arrangements by the Act of 1851. The 8th section of that Act directed that the accounts of the Woods and Forests should be laid on the table within three months of the end of the financial year; but they never were presented until the last moment, and then were whipped off to be printed, so that when this discussion came on Members were totally in the dark as to these charges. These establishment charges were put upon the Estimates for the express purpose of giving an opportunity for discussion, and he hoped the right hon. Gentleman would promise that for the future the accounts should be laid on the table at an earlier period, so that hon. Gentlemen might have an opportunity of inspecting them before this Vote was brought forward. There was a tendency in the Woods and Forests, as in all other departments, to extravagance, and he complained that this was the only opportunity afforded to the House of discussing the question and getting at the real facts.

Mr. AUGUSTUS SMITH said, the expenses of the War Department were brought forward along with the Army Estimates, and in like manner, when the establishment charges of the Woods and Forests were to be voted, the House ought to have before it the other accounts of the Department.

Mr. CAIRD said, that when he brought forward a specific Motion some time ago relating to the management of a Crown estate in Essex, on which, though it was only 1,900 acres in extent, £67,000 was expended, the Secretary to the Treasury asserted that the extent of the estate was 17,500 acres. He was so taken by surprise that he was not prepared at the moment to prove the truth of his own statement; and when he came down afterwards with proofs he was stopped on the point of order. This Vote was the only real opportunity the House had of discussing the management of the Woods and Forests.

Mr. HENLEY thought the House was placed in a difficulty by the statement of the Chancellor of the Exchequer. He admitted that the House had control over the expenditure, but not in the way of estimate. But they had an estimate of £27,000 now before them. He wanted to know what were the other charges, or why, if one class of expense was met by estimate, the other class could not be the same? He wanted to know farther, whether the solicitor's expenses for Scotland could not be met by salary, as in England, instead of being paid by bills?

The CHANCELLOR of the EXCHEQUER said, he was not able to give an opinion upon the question whether it was expedient to defray the law charges in Scotland by salary. With regard to the Woods and Forests, it was enacted that salaries of the Commissioners and other expenses of management should be defrayed from time to time by Parliament. He had referred in his observations to other charges which could not be dealt with by estimate unless an alteration were made in the law. He had never attempted to deny the right of the House to deal with those charges, but he had said that they were to be dealt with otherwise than by estimate. He could not give a specific answer to the question of the hon. Baronet (Sir Henry Willoughby) as to the accounts, although he agreed with him that the accounts ought to be laid before Parliament in the shortest possible time.

Mr. GREGORY said, he did not think any satisfactory explanation had been given by the Lord Advocate of the greater proportionate expense charged by the solicitor in Scotland than by the Solicitor in Ireland. It appeared that great complaints were made in Scotland of the amount of litigation which had been going on in connection with the Department.

THE LORD ADVOCATE had no doubt the duty might be paid by salary, but it was not usual. There had been considerable litigation in the Department, but the solicitor acted only on the instructions of the Woods and Forests, and made an annual report to them. The proceedings which had been taken might not be popular, but since these actions had been raised there had been a considerable increase of the Crown revenues in Scotland. It would be very easy to obtain a return of every item of the expenditure, and he had no doubt it would be found to have been perfectly authorized.

MR. KINNAIRD said, he must divide with his hon. Friend, if the Committee went to a division; because he had found, when an account was given of the salary of this officer, an additional charge was always found to have been made for clerks in the Department. He believed that many of these claims on behalf of the Crown were most vexatious.

MR. BLACKBURN thought that some means should be taken to prevent excessive expenses being incurred in litigation of this kind.

MR. HENLEY said, that he was sorry to find that the efforts of the Crown to obtain its rights by legal proceedings appeared to be distasteful to the Scotch Members. He thought at the same time that the work might be done more cheaply.

MR. LESLIE expressed his intention to divide with the Lord Advocate upon this question.

Motion made, and Question put,

"That the item of £2,200, for the Solicitor in Scotland, be reduced by the sum of £1,000."

The Committee *divided*:—Ayes 78; Noes 122: Majority 44.

MR. AUGUSTUS SMITH moved the postponement of the Vote.

THE CHAIRMAN said, it was not competent for an hon. Member in Committee of Supply to move the postponement of a Vote.

MR. AUGUSTUS SMITH said, in that case he should have no alternative but to oppose the Vote altogether, on the ground that the Committee had no sufficient account of the expenditure.

SIR JOHN TRELAWNY said, the Chancellor of the Exchequer, in his remarkable speech, seemed to support both sides, and completely mystified the Committee. It would be a wholesome example to reject the Vote.

Original Question put;

The Committee *divided*:—Ayes 176; Noes 14: Majority 162.

Vote *agreed to*.

(15.) £13,753, Public Records.

MR. HENNESSY said, this Vote included an item of £1,500 for forming abstracts of State papers, including editing. He wished to ask whether the post lately filled by the gentleman who was turned away on account of his religion had been filled up; and, if so, whether the testimonials of Mr. Turnbull's successor had been submitted to the criticism of the Protestant Alliance?

VISCOUNT PALMERSTON said, that Mr. Turnbull was not turned away; he resigned his appointment, and his resignation was accepted. A trial connected with the case was going on, and the result would probably be known to-morrow; and, therefore, he would not discuss it further.

MR. NEWDEGATE deprecated importing into the discussions in that House matters that were now *sub judice*. The hon. Member for the King's County put his question intending to raise the issue which he supposed existed between Mr. Turnbull and the Protestant Alliance; and it was only right that he (Mr. Newdegate) should inform the House that Mr. Turnbull had taken proceedings against the Secretary of the Protestant Alliance, and it would not be befitting for the House to go into a question that was before the courts of law. He trusted, therefore, that the hon. Gentleman would delay any further observations he might desire to make until the case had been decided, when, no doubt, there would be Members in that House ready and willing to answer him.

Vote *agreed to*.

(16.) Motion made, and Question proposed,

"That a sum, not exceeding £184,711, be granted to Her Majesty, to defray Expenses connected with the Administration of the Laws relating to the Poor, to the 31st day of March, 1862."

MR. BUTT objected to the administration of the Poor Laws in Ireland, and moved that the Vote be reduced by the sum of £1,200, the salary of one of the Commissioners in Ireland. All the members of the Irish Poor Law Board were Englishmen, but he submitted that there ought to be at least one able to inform his colleagues as to the feelings and habits of the Irish people. Moreover, one of them ought to be a Roman Catholic; and one of them ought to be what was called a Parliamentary Commissioner, that was to say, a Member of Parliament, so that he might always be ready to answer any questions as to the adminstration of his department. It was true that the Chief Secretary for Ireland was an *ex officio* member of the Board; but he did not hold himself responsible for the acts of the Commissioners, but simply exercised a general control over them. The only result was to shelter the Board from the criticisms of the House. He (Mr. Butt) had joined in a vote of censure on the Board last year. but he should certainly have refrained from so doing if he had thought he was including his right hon. Friend in the Vote. He trusted that the Chief Commissioner, whose salary, like that of the President of the English Board, was £2,000, would in future sit in Parliament.

Motion made, and Question proposed,

"That the item of £1,200, for a Commissioner of Poor Laws in Ireland, be omitted from the proposed Vote."

Mr. CARDWELL said, the Poor Law Board in Ireland was composed of two Englishmen and one Irishman. He would be glad to see more Irishmen upon the Board; but it must be remembered that the Poor Law was an ancient institution in England, but a recent one in Ireland, and it had been deemed most important to have persons who were practically acquainted with the working of the system. A Committee had recently sat upon the subject of the Poor Law, whose Report had just been delivered; but he believed no suggestion had been made by any Irish Member of the Committee to alter the constitution of the present Board. That Report would also convince the House of the zeal and ability with which the present Commissioners had performed their duties.

Lord NAAS denied that there was any foundation for the allegations made by a certain portion of the Irish press against the constitution of the Board of Commissioners, whose labours had been most arduous and had been crowned with entire success. So far from being unacquainted with the habits and feelings of the people, one of these gentlemen (Mr. Senior) had had probably more experience than any other man in the country. No doubt the Poor Law Commissioners made occasional mistakes, but so did every one else, includin geven the Judges on the bench. It was not easy to see how the Chief of the Irish Poor Law Board could discharge his official duties and at the same time attend that House as a Member of Parliament. No important step was taken by the Commission without consulting the Chief Secretary for Ireland, and the present system, therefore, insured perfect Ministerial responsibility. The Irish public had no right to be dissatisfied with the Commission; and if fewer Irishmen were connected with the Board than some might desire, it should be remembered that, as the system was a comparatively new one in Ireland, it was necessary to obtain men of experience to work it wherever they could best be found. Moreover, Irishmen were sometimes similarly employed on account of their superior qualifications in other parts of the kingdom; and one of the most intelligent witnesses examined before the Select Committee on the Poor Laws was an Irishman holding the office of Poor Law Inspector in Scotland.

Motion, by leave, *withdrawn.*

General UPTON inquired why the medical officers in Ireland were not placed upon the same footing as in England?

Mr. CARDWELL replied that when the arrangement was made by which certain local charges were placed upon the Consolidated Fund, a much larger sum was taken from the local charges of Ireland than from those of England; the whole of the charge for rural police in Ireland being placed on the Consolidated Fund, whereas in England only one-fourth of such charge was transferred.

Original Question put, and *agreed to.*

Viscount PALMERSTON moved that the Chairman report Progress, and stated that the Government proposed to fix Supply for to-morrow evening, after the other Notices.

Mr. DILLWYN called attention to a deviation that had taken place that evening from the ordinary course of proceeding in regard to the Estimates. It was the usual practice for the Government to submit the Estimates for discussion in the exact order in which they were printed; but that night Vote No. 5, for the Colonial Establishments, had been taken before Vote No. 4, for the Foreign Establishments. That had probably happened through mistake, but it would be highly inconvenient if allowed to be drawn into a precedent.

Mr. PEEL explained that the irregularity referred to had arisen purely from mistake.

Lord JOHN MANNERS asked, whether the Government intended to propose that the House should adjourn over Wednesday next, on which the Sovereign's birthday was to be celebrated?

Viscount PALMERSTON said, that as Her Majesty would be out of town, and there would be no Drawing Room on Wednesday, there seemed no reason why the House should not meet on that day as usual.

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

APPROPRIATION OF SEATS (SUDBURY AND ST. ALBANS) BILL.

CONSIDERATION.

Order for Consideration, as amended, *read.*

Mr. COLLINS proposed to omit, in page 2, line 21, of the clause having reference to polling places, the word "Pontefract," for the purpose of inserting "Wakefield." As this was purely a Yorkshire question, to which neither the ingenuity nor the malice of man could give a party character, he hoped hon. Members would give their votes irrespective of party considerations. Not being connected with Pontefract or Wakefield, either in a representative capacity, or by ties of family, property, or marriage, he came into court with clean hands; and he asked the House to give effect to the wishes of the Yorkshire Members, as expressed in the only division which had taken place on this question, in the proportion of five to one. Unless for some good reason shown, Wakefield, the old county town, ought not to be deprived of its ancient privilege. He held in his hand a list of twelve polling places which were nearest to Wakefield, while only seven were nearer to Pontefract; and, of the electors, those who were nearest to Wakefield were 13,325, and those nearest to Pontefract only 4,564, or in the proportion of three to one. He had consulted *Bradshaw,* and found that the trains from every direction which went to Pontefract, with two exceptions, went to Wakefield also. It was true that by the Government Bill of 1854 Wakefield was incorrectly represented on the map as at the outskirts of the county; but, truly represented, Pontefract was much nearer the outskirts of the southern division than Wakefield. He thought that the House would agree to his Motion, the Government, in the first instance, having given notice of a clause in which Wakefield was substantially adopted.

Amendment proposed, in page 2, line 21, to leave out "Pontefract" and insert "Wakefield."

Mr. MONCKTON MILNES said, the gentry and inhabitants generally of the southern division of Yorkshire would be awkwardly situate if the House arbitrarily set aside the arrangement which Her Majesty's Government had sanctioned, after careful consideration; for it was evident that a place which was perfectly central, as long as the division remained intact, must find it itself on the borders as soon as it was divided. He bore no possible ill-will to Wakefield, where his family had resided for years; but he could not shut his eyes to the fact that it was a place which, in electioneering periods, became the resort of tumultuous gatherings. Believing that Pontefract was on every ground more advantageous, he supported the clause as it stood.

Major EDWARDS said: Wakefield being unrepresented, thanks to Her Majesty's Ministers, it behoved all Yorkshire Members to support its interests. It was, perhaps, not generally known that the hon. Member who had spoken so enthusiastically in favour of holding elections for the Southern Division of the Riding in Pontefract, possessed a large estate in its immediate vicinity, and much house property in the town of Ferrybridge, which forms part of that borough. Under these circumstances, and considering how long the hon. Member has been its representative, he would be unworthy the trust reposed in him by the electors, and the property he possessed in the district, had he taken any other course. The House, doubtless, would be of opinion that the influence which the hon. Gentleman had acquired in his borough was sufficient already, without according to him the *prestige* he would naturally claim by getting £2,000 or £3,000 spent at every general election amongst a certain class of voters, which must be the case were his proposition carried. From time immemorial Wakefield had been the town at which the nomination and election of the candidates for the West Riding had been held, and he saw no reason why its privileges should be transferred to Pontefract. The objection that Wakefield was frequented by multitudinous assemblages at election times was, in reality, not a valid argument, because Pontefract was but a few miles distant, and there were complete facilities for reaching it from all points of the Riding by railway. The hon. Member for Pomfret was wrong in stating on a previous occasion that the borough had more railway accommodation; on that score Wakefield was infinitely preferable, as their lines north, south, east, and west there converge to a common centre. He hoped Wakefield would be selected by the House. It was the old county town, and more convenient to a large majority both of electors and population. The head quarters of the West Riding constabulary—the place where all the public offices were situate, and where every accommodation could be had for the electors. The hon. Member for Pomfret after announcing his conviction to the House that all the principal proprietors and men of position in the southern division preferred Wakefield to Pomfret, must have been somewhat startled to find that twenty out of twenty-six Yorkshire Members went into the lobby against him immediately afterwards.

Mr. HADFIELD said, that he and the people of the southern division were very much astonished that Pontefract had been selected by the Home Secretary. Did the right hon. Gentleman know that it was the most inconvenient place in the whole division? A district of 17,000 people would be inconvenienced by its adoption. It was thirty miles from Sheffield; and to get to it a great number of electors would have to travel over three lines of railway. Sheffield was the place. It was a town with 185,000 inhabitants; besides which it was the centre of a district which contained a population of 400,000. The selection or rejection of Pontefract might affect enormous interests of the hon. Member for that borough, but he (Mr. Hadfield) had to defend the interests of a town with a population of 185,000. He hoped the right hon. Gentleman would select some more convenient and accessible place than Pontefract, which was the most corrupt place in the whole West Riding.

Sir GEORGE LEWIS said, that notwithstanding the solemn denunciation of the electors of Pontefract by his hon. Friend who had just spoken, the rejection of the word "Pontefract" from the clause under consideration would place the House in a very painful position, for they would then have to decide between the rival claims of Wakefield and Sheffield. The hon. and learned Member who moved the Amendment, proposed that "Wakefield" should be substituted for "Pontefract;" and his hon. Friend who had just spoken would not hear of Wakefield—he must have Sheffield. Some hon. Members proposed Wakefield and others Sheffield; but the best thing to be done was to follow the plan pursued by the lawyer in the fable, and give one shell to Wakefield and another to Sheffield, reserving the oyster for Pontefract. The matter had been fully discussed on a former evening, when a considerable majority appeared to be in favour of Pontefract.

Question put, "That 'Pontefract' stand part of the Bill."

The House *divided*:—Ayes 94; Noes 107: Majority 13.

Question, "That 'Wakefield' be there inserted."

Put, and *agreed to*.

Bill to be read 3° *this day*.

MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 *agreed to*.

Clause 2 (Construction of Section 57 of 5 & 6 *Will.* IV., c. 76),

Sir JOHN PAKINGTON asked if there was not some mistake in inserting the words "chief magistrate" in the Bill, such term being unusual in municipal Acts?

Sir GEORGE LEWIS had no objection to omit the words, leaving it that "the mayor have precedence."

Mr. SOTHERON ESTCOURT moved the omission of the words, "or other persons," which might be understood as giving the mayor a right to preside at voluntary meetings, or meetings other than those of the magistrates. He was surprised that an Act of Parliament should be necessary to give the mayor proper precedence in any borough, and could not help thinking that the objects of this measure were too petty to be dealt with by Parliament.

Sir GEORGE LEWIS said, that these little things were great to little men. He had received numerous representations upon the subject, and there were persons in many boroughs who took an interest in the question which appeared rather disproportioned to its magnitude. The Bill had been rendered necessary by a decision of the Court of Queen's Bench, that the precedence given to mayors by the Municipal Corpo.

rations Act meant only social precedence. The object of the clause was to give to the mayor precedence at meetings of magistrates, the words "or other persons" being only intended to include other persons who might be present at such a meeting, and he had no objection to their omission.

Amendment *agreed to.*

MR. BAINES moved the insertion of words providing that when a meeting of county justices upon county business took place within a borough the mayor should not take precedence at such a meeting.

MR. CLAY resisted the Amendment, as precluding the precedence of mayors in cities and counties. He had a competing Amendment on the paper, which he would move.

MR. HADFIELD objected to vice-chancellors of universities having precedence of mayors.

SIR GEORGE LEWIS said, that the words were found in an old Act of Parliament, and he had retained them.

MR. SOTHERON ESTCOURT reminded the right hon. Gentleman that Oxford University was not placed first in the Bill.

Amendment *agreed to.*

MR. NEWDEGATE said, Mr. Massey, the time is now come when I trust that I may be permitted to state the objections which I entertain to this clause—objections which are felt by the justices of the peace in a great number of boroughs in this country. And first, I would observe that the occasion of difference which has led to the introduction of this Bill unhappily arose in the borough of Birmingham. I do not, however, wish to trouble the Committee with the personal questions which gave rise to the difficulty. Suffice it to say that a person was elected mayor for that borough to whom the justices objected when he proposed to take the chair of right at their meetings, owing to certain circumstances which were connected with that person's character, and which I had hoped would now have been forgotten. The difference originated in these circumstances: the attempt on the part of that mayor to take the chair as a matter of right compelled the justices, from a sense of duty, to resist his claim. Now, although the right hon. Gentleman the Secretary of State for the Home Department says that this is a little question affecting little men, I must beg the House to consider that for the first time we are asked to enact that whoever may be elected mayor of a borough, whether he be an alderman or a town councillor, is to be entitled to precedence as chief magistrate for that borough. If hon. Gentlemen will take the trouble, as I have done, to look through the Act of 1835, the Municipal Corporations Reform Act, and the debates which preceded the passing of that Act, they will find that in no one part of that Act is the mayor termed chief magistrate.

SIR GEORGE LEWIS: These words are omitted. They are struck out of the clause.

MR. NEWDEGATE: But the provision is retained that the mayor shall, of right, take the chair at all meetings of the justices for the borough. Well, practically, that is the point at issue, because the term chief magistrate was merely descriptive and illustrative of the claim which was resisted for the reasons that I have described. According to the Bill in its original form, there were words in the preamble setting forth that doubts existed as to whether the mayor had this right or not. But, Sir, there never existed any reason for doubt at all. When the first attempt was made by the Mayor of Birmingham to take the chair at the meetings of the magistrates as a matter of right, and was resisted, he did not think fit to take the question before a court of law. His successor, however, was induced to do so; and the unanimous decision of the Court of Queen's Bench was that the mayor had no right to take the chair at the meetings of the magistrates. I have referred, in passing, to the Municipal Corporations Reform Act. Well, in every portion of that Act the distinction between the administration of municipal law, which rests with the mayor and town council, and the administration of the criminal law, is carefully preserved. In the 5th Section the mayor is termed the chief officer of the borough. By the 57th Section he is constituted a justice of the peace for the year of his mayoralty, and for the year next succeeding. But by the 99th Section provision is made for the appointment of a stipendiary magistrate, if the council of the borough shall think that appointment requisite. And, by the 103rd Section, the mayor is expressly debarred from presiding at the quarter sessions for the borough, because a barrister of not less than five years' standing is to be appointed Recorder, and that barrister is the real chief magistrate of the borough. He is to have of right the position of Judge at quarter sessions, and his precedence is settled as next to the mayor on all occasions. Now, I beg the Committee to believe that I do not seek to detract in any way from the dignity of the office of mayor. I do not seek, by opposing the retention of this clause, to take anything from the mayor. On the contrary, I wish the dignity of the office to be preserved as fully as possible. But I put this to the House—will it be consistent with the wholesome government of our municipal boroughs, will it be consistent with the dignity and the position of mayor, that mayors, without the slightest knowledge of criminal law, that persons who have never acted as magistrates, that persons without the slightest acquaintance with the laws of evidence, that persons elected to the office of mayor for every reason in the world but their competency as magistrates, should be suddenly invested with the position which their being of right chairmen of the bench of petty sessions must give them? I say that, if ever any device had been thought of calculated to bring the office of mayor into contempt, it would be the forcing of persons who are known to be incompetent into the position of presiding in criminal jurisdiction at petty sessions; and this is a provision which can apply to incompetent mayors only—I mean to mayors only who are incompetent as justices. For it is not denied, and it cannot be denied; it was so stated before the Court of Queen's Bench that, in no case where the mayor was competent, had the justices not willingly elected him their chairman. But they value the power of choice, because in petty sessions each magistrate is individually responsible for the decision of the whole bench; and, therefore, having a great mass of business to transact, perhaps having to act in troublous times, they do feel that that responsibility would be most unfairly enhanced by their being compelled to accept as their chairman an officer whom they would themselves have chosen, if he were competent, but whose pretensions they have resisted only when they believed him to be a person unfitted to discharge the functions of their chairman. Now I say that the House should do one of two things: it should either insist upon such qualifications for mayors as shall render them surely competent by previous acquirement and experience to the discharge of these functions, appoint a prefect at once, or else the House ought not to fetter the discretion of the justices in the choice of their chairman, when each justice is personally responsible in petty sessions, by forcing upon them a chairman whom you take no security shall be either mentally, or by acquirement, or by character, competent for the situation. I only ask the House not to sweep away at one stroke all the carefully considered provisions which were introduced into the Municipal Corporations Reform Act in this respect; and I beg the Committee to allow me to show them that that Act was passed on the faith of those provisions being strictly observed. In introducing the Bill the noble Lord the Member for the City of London stated that nothing would be done by that Bill which would in any way establish or promote the establishment of a system of elective magistrates. The noble Lord said—

> "With respect to the 129 boroughs, the town councils are to have the power of recommending to the Crown certain persons whom they think proper to receive the commission of the peace within the borough; but they are not to have the power of electing magistrates in such sense as that the assent of the Crown shall not be necessary to perfect the election."

Now, if you pass this Bill, leaving the other provisions of the Corporation Reform Act untouched, one of which is that the mayor shall be elective, and shall be a justice, by virtue of his election, though only for two years, you virtually make him superior to the other justices, all of whom are appointed by the Crown for life, or during good behaviour, which is the same as for life. You not only appoint an elective justice, but you make that elective justice necessarily chairman at every meeting of the justices, than which I cannot imagine any more direct contravention of the understanding upon which the Municipal Corporations Reform Act was introduced and passed. But, further, the noble Lord said—

> "I am of opinion that the town councils will take care not to recommend to the Crown any persons but such as the advisers of the Crown can with safety appoint to the magistracy."

But the mayor is appointed under the Act of Parliament as magistrate, and although he is placed in the commission of the peace, he is placed there by Act of Parliament, not by the independent discretion of the Lord Chancellor as the representative of the Crown; and this is the magistrate to whom the House is asked to give this additional power. The noble Lord continued, speaking of the smaller boroughs—

> "These magistrates will not have the power of sitting in quarter sessions, and, as I have already

stated, they will have nothing to do with granting alehouse licences. But there are a considerable number of these boroughs of the largest size, in which it may be proper to have a court of quarter sessions, in which, indeed, there is a court of that kind already established, and in which there is a Recorder perfectly fit for his situation."

Remember the summary jurisdiction which you have given by recent Acts to the justices in petty sessions; and here you are about to control the justices who are appointed for life by the Lord Chancellor by appointing them a chairman, not of their own free choice, but against their choice. The mayor is an elective magistrate, the only elective magistrate, and elected for only two years; and in presiding at petty sessions he must virtually act as Judge. The noble Lord said—

> "It seems to me better that the power should be in the Crown, it being understood that the person (the Recorder) to be appointed shall be a barrister of five years' standing at least, than that there should be anything resembling the popular election of a Judge. The Recorder will be appointed during good behaviour, and will not be removable at the pleasure of the Crown; and it may, therefore, be expected that he will exercise his functions independently and fairly?"

Now, what are the securities that the Recorder shall "exercise his functions independently and fairly?" First, that he is competent to those functions, for he must be a barrister of not less than five years' standing; secondly, that he is approved by the Lord Chancellor; and next, that he is appointed for life. Now, if you put the mayor in this position, and it will apply only to the mayor whom the justices do not consider competent, and who is not a justice for life, but for two years; whenever he acts as Judge, or sits in that position, he does so in contravention of every condition which the noble Lord deemed to be essential in the appointment of a Recorder. I think I cannot better express this than in the language of the Lord Chief Justice—["Move, move."] Some hon. Members who exhibit impatience may have come down to vote on the Bill in obedience to a certain pressure. I trust, however, that the House contains many other Members who, when such a change of the law is proposed, will not be inclined to disregard the unanimous judgment of the Court of Queen's Bench. The Solicitor General having observed, "I apprehend, if our construction of the statute is right, there is a duty cast upon the parties to perform:"

> "The Lord Chief Justice said, as I understand it, it is something more than mere precedence. This is a right claimed to preside as chairman.
>
> "The Solicitor General: Yes; to preside.
>
> "Mr. Justice Wightman: It may be requisite for the due performance of the magisterial business that the chairman should be a more experienced magistrate than the rest.
>
> "Mr. Justice Hill: The ordinary justices of a county take precedence according to the date of their appointment; yet they exercise the right of choosing their own chairman.
>
> "The Solicitor General: It is a question we are anxious to have an opportunity of arguing, and having it decided.
>
> "Mr. Justice Hill: It is manifestly inconvenient to allow a man who is not a magistrate, who becomes mayor for a year, and is a justice of the peace *ex officio*, to preside over magistrates who have been accustomed for years to deal with most difficult cases.
>
> "The Solicitor General: It is found from inquiry that in nine-tenths of the boroughs the mayor presides without question or challenge.
>
> "Mr. Justice Wightman: That might be; and here the justices of the borough say they are perfectly willing to allow the mayor to preside as a matter of courtesy.
>
> "The Solicitor General: Yes. It is a question arising on the 57th Section, and whatever decision the Court comes to will settle the matter.
>
> "The Lord Chief Justice: I agree in the propriety of the mayor, who is called the chief magistrate, having precedence everywhere, and to preside; but there may be reasons in individual cases why men generally conversant with magisterial functions should preside. All that the Act says is that the mayor shall have precedence, such as the order of going into a room, &c.; but I do not think it means that he shall take precedence in all magisterial duties. It appears from the Act that the Legislature never intended him to do so, or they would have said that he should have precedence of all persons and justices. . . . . The terms of the section are plain; it refers to social and not magisterial precedence."

The result was that the Court refused to hear any further argument on the case. The law, then, is perfectly clear. The intention with which the law was framed is perfectly clear. And all that can be effected by this clause is, that when a mayor is not, in the opinion of the justices, competent to preside, the Legislature will force him upon these magistrates as their chairman, induce him to examine in chief with perhaps no knowledge whatever of the law of evidence, and place him in the position of having to announce decisions without the slightest acquaintance with the first principles of the law, and even when there are reasons connected with his personal position that render it highly improper that he should pronounce the decisions of the Court and give their warnings. And for what reason? Merely because a certain number of the mayors of England have, upon solicitation, consented to support the Mayor of Birmingham, whose claim being illegal, was resisted by the magistrates, and this, after the justice of their resistance has been confirmed by the decision of the Court of Queen's Bench. Sir, I move the rejection of this clause from no wish to diminish or impair the dignity of the mayors, and from no disrespect towards our municipal corporations, but because I am perfectly certain that if the clause be agreed to it will produce instances of incompetency which will tend to degrade the position of the mayors, and to bring our municipal institutions into contempt.

Mr. DANBY SEYMOUR moved the adjournment of the debate. The Bill was most unpalatable in the country, and contained an important principle which ought to have been discussed on the second reading.

Mr. ADDERLEY hoped the Government would agree to the Motion for adjournment.

Sir GEORGE LEWIS did not believe the clause had the great importance attributed to it, because, as they well knew, the mayors were persons of respectability. He had no objection to the adjournment.

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

CRUELTY TO ANIMALS PREVENTION (No. 2) BILL.—SECOND READING.

Order for Second Reading read.

Viscount RAYNHAM moved the second reading of this Bill.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. HENNESSY moved that it be read a second time that day six months.

Mr. COLLINS moved, as an Amendment, that it be read a second time this day three months.

Sir GEORGE LEWIS doubted whether there was any necessity for the Bill at all.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for three months.

Mr. Newdegate

UNIVERSITY ELECTIONS BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. E. P. BOUVERIE urged that it was too late, at a quarter past two, to proceed with the debate on this Bill. He should move the adjournment of the debate.

Mr. DODSON thought the Bill had already received sufficient consideration.

Viscount PALMERSTON was of opinion that as the principle of the Bill was somewhat novel, and one in regard to which much might be said on both sides, the discussion could scarcely be taken at that hour.

Mr. COLLINS said, it was utterly impossible for any private Member to bring forward a Bill except at that hour.

The CHANCELLOR of the EXCHEQUER said, that his own seat having been made the subject of contest, he had deemed it more becoming to abstain from taking part in the discussion on this subject. There had been discussion on the details, but not on the principle of the Bill. The Bill introduced great novelties into the law, and it could not be discussed at that hour of the morning.

Mr. HUNT submitted that if the Chancellor of the Exchequer had intended to oppose the third reading of the Bill, he should have given notice to that effect.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 27; Noes 34: Majority 7.

Original Question again proposed.

Mr. AYRTON moved the adjournment of the House.

Mr. MOWBRAY said, the Bill had been amply discussed, and he hoped it would be now read a third time and passed.

The CHANCELLOR of the EXCHEQUER said, he had no intention to move the rejection of the Bill, but he wished to have an opportunity of stating his objection to some of its provisions.

Mr. HUNT opposed the Motion for the Adjournment of the House.

Viscount PALMERSTON said, the Bill had been entirely altered in Committee, and it now embraced a principle unknown to the law and practice of the country. He thought, therefore, that an opportunity should be allowed for its discussion on the third reading.

MR. DODSON said, that those who had introduced the measure had great reason to complain of the course taken by the Government in opposing the further progress of the Bill after it had been so long before the House and so often discussed, without giving any notice of their intention. The Chancellor of the Exchequer, who represented one of the Universities, ought to have had his attention particularly directed to the Bill.

MR. BANKS STANHOPE said, that if the Government really wished to discuss the Bill, and not to burke it, they could have no objection to give a day for the discussion.

MR. BONHAM-CARTER pointed out that the point which the Chancellor of the Exchequer wished to raise was disposed of in the Committee by a large majority.

Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 25; Noes 33: Majority 8.

Original Question again proposed,

MR. FREELAND moved the Adjournment of the Debate.

SIR MINTO FARQUHAR expressed his astonishment at the Government not fixing a day on which the discussion might be taken. By doing so, they would at once remove the whole difficulty.

VISCOUNT PALMERSTON proposed that the hon. Gentleman should put the Bill down for Wednesday week ["Oh, oh!"] and if he were unsuccessful in bringing it on then the Government would give him an early day. ["No, no!"]

MR. DODSON refused to accept the noble Lord's offer. He would take any clear day the noble Lord could give him before Wednesday week.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 24; Noes 32: Majority 8.

Original Question again proposed.

SIR CHARLES DOUGLAS moved the Adjournment of the House.

VISCOUNT PALMERSTON then offered Friday next for the third reading of the Bill.

MR. DODSON said, he would accept that day.

Motion made, and Question proposed, "That this House do now adjourn."

Motion, by leave, *withdrawn.*

Third Reading *deferred* till *Friday.*

House adjourned a quarter after Three o'clock.

HOUSE OF LORDS,

Tuesday, July 9, 1861.

MINUTES.] PUBLIC BILLS.—2ª Poor Assessments (Scotland); East India Council, &c.; Courts of Justice Building; Inclosure (No. 2); Local Government Supplemental; Transfer of Stocks and Annuities.

3ª Landed Property Improvement, &c. (Ireland)

POOR ASSESSMENTS (SCOTLAND) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF AIRLIE, in moving the second reading of the Bill, said, that its object was to simplify the mode of raising the assessment for the relief of the poor in Scotland. It was proposed to abolish the assessment upon "means and substance" in those parishes where it was now in force, and to substitute on assessment upon rental according to the classifications proposed in the 8 & 9 *Vict.*, the Poor Relief (Scotland) Act—the election of classification to be determined by the parochial boards, subject to the approval of the Board of Supervision. He believed that the assessment on "means and substance" was universally condemned. It was levied under an ancient statute which provided no means of ascertaining the income of the persons to be assessed, and no penalty for false returns. The consequence was that the assessment was raised very much at hap-hazard, and while rich manufacturers could make what terms they chose, the burden of the rate fell on persons of limited incomes. It also gave rise to a great deal of gossip about people's private means, which was at times not only an annoyance, but an injury. Some of the parochial boards were in favour of the existing system; but he denied that they represented the ratepayers. There were between 8,000 and 9,000 signatures to the petitions in favour of the Bill presented to the other House, and only 486 to petitions against it. The mode of assessment proposed in the Bill was already in operation in many parts of Scotland, and wherever it had been tried it had been found to work satisfactorily.

Moved, That the Bill be now read 2ª.

THE EARL OF CAMPERDOWN said, the Bill affected the assessment of the poor-rate in every parish in Scotland, and proposed to levy the tax in many cases in a manner different from that in which it had hitherto been levied. He had the greatest possible respect for the abilities of his noble Friend who had introduced the Bill into this House, and for the hon. Member for Montrose (Mr. Baxter), who had introduced it into the other House of Parliament; but he thought legislation on a subject of such magnitude should have been at the instance of the Government, as was invariably the case when Bills were brought in which affected the working of the Poor Law in England or Ireland, and not by a private Member of either House. Again, no important change had hitherto been made in the Poor Law of England and Ireland without its having been preceded by careful inquiry, and previous to the great alteration in the Poor Law of Scotland in 1845 the Government of the day appointed a Commission, and after they had taken evidence in every part of the country the Bill which was afterwards passed was introduced, embodying the recommendations made by those gentlemen in their Report. In the present instance, however, no such inquiry had been instituted or asked for. The present mode of assessment in Scotland had been adopted after mature deliberation. Some sixteen or seventeen parishes had not given up the old system of assessment by "means and substance;" but this Bill would make it compulsory on the majority of a parish to give up that principle, although they might be sincerely attached to it. The Bill did not apply any remedy to the defective constitution of the parochial boards, or contain any provision for the more economical collection of the rates. The Bill stood in this unfortunate position in their Lordship's House, that being a money Bill it was impossible to amend it, and he therefore hoped that, on their Lordships refusing to assent to it in its present crude state, the Government would determine to institute proper inquiry into the whole working of the Poor Law in Scotland, which was indeed absolutely necessary after the statements that had been made regarding it by a high authority, before the Irish Poor Law Commissioners. If there was one subject more than another which required the attention of the Government to be directed to it, it was this one of rates, and at all events they ought to pause before dealing with a portion of it by a small Bill containing only a single clause.

THE EARL OF EGLINTON concurred with the noble Earl opposite that the Bill did not go far enough; but it was no reason because the Bill did not hit every blot in the system that the blot it did hit should not be removed. The noble Earl disapproved of assessing by "means and substance," and thought that there ought to be some inquiry. Inquiry would, however, in his opinion, only prove that "means and substance" ought to be abolished. The boards were, for the most part, not composed of persons of great intelligence, and favouritism and injustice prevailed to a great extent. He knew of one parish where the inhabitants of villa residences and other persons in easy circumstances were not assessed at all, while the artizans were assessed on their hard earnings. At Ayr there was the greatest injustice done. There could be no doubt that the system of assessment on rental had worked extremely well, and although the Bill proposed to leave the classification optional, and, therefore, in his opinion did not go far enough, for he thought there should be one uniform system established all over Scotland—he should give it his support.

THE DUKE OF ARGYLL said, he had no personal connection with any parish in which that most unfortunate, and as he deemed it, most unjust assessment, by "means and substance" prevailed; but he strongly objected to it on principle. It was, in fact, an income tax without any machinery for ascertaining the amount of any one's income. The late Lord Campbell having purchased some property in the south of Scotland, had actually had a demand made upon him for a rate, founded not merely upon his property in the parish, but his property in the funds, and even upon his salary as Lord Chief Justice of England. His learned Friend, however, resisted the charge with his usual perseverance, and in the end was successful. It was true that the Bill was not a Government measure, but it had received the sanction of the Board of Supervision, the present and the late Lord Advocate, and he believed every Scottish Member of the other House. The consequence of the present system was that those who possessed the smallest amount of property had the great majority, while those who paid the largest sums were in a minority in the parish. He could not admit that because the Bill was limited to one point it should not receive the sanction of their Lordships — no doubt the Scotch law required amendment in some other particulars. At all events this was an admitted evil, and he had not heard anyone advocate the system of assessment on means and substance, which was in point of fact an assessment on income not derived from the parish. If his noble Friend (the Earl of Airlie) divided the House, he should give him his vote. There were, he understood, some objections to the Bill on points of detail, but he should certainly, on the second reading, support this measure.

The Earl of DALHOUSIE agreed that this mode of rating on means and substance was to a certain extent very objectionable. But the object of the Bill was to give a minority the power of over-riding the decision of a majority in the parish, and that, he thought, was a strange principle to be adopted by their Lordships. The fact was that the mode of assessment now objected to was dying out, and he thought that the parishes in which this system prevailed might be allowed to give it up at their option, as other parishes had done. By the present law there were three modes of assessment which could be adopted by any parish, subject to the Board of Supervision in Edinburgh ; but according to this Bill that Board would have not only the power of disallowing the arrangement made in the locality, but the power of taxing the locality in the mode it thought proper, which he thought was a power that ought not to be given to a Board of that description. He confessed that he should be glad to see the Bill postponed, and made a part of some general measure on this subject.

Lord REDESDALE said, a similar principle to that contained in the "means and substance" mode of assessment prevailed in England with regard to the assessment on stock in trade. True that was not carried out in practice ; but the principle subsisted and was suspended only by Bills passed periodically for that purpose. And, in like manner, he would suggest that the system should not be given up absolutely in Scotland.

Lord KINNAIRD denied that the Bill proposed to give to the minority the right of over-riding the majority. On the contrary, it would carry out the wishes of the large majority of those who were the real ratepayers. Year after year there had been repeated attempts to get rid of this mode of assessment, and he trusted, therefore, that their Lordships would agree to the second reading of this Bill.

Motion *agreed to*.

Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

EAST INDIA COUNCIL, &c., BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Earl DE GREY and RIPON said, this Bill was one of great importance, for it proposed to make certain alterations in the constitution of the Council of the Governor General when acting in an executive capacity, and also to remodel and greatly to modify the constitution and organization of the Council when assembled for the purpose of framing laws and regulations. The character of our Indian dependencies, if examined, would convince the House of the importance of this measure. He need not remind their Lordships of the extent of the territory of India, the vast population by which it was inhabited, and the various races, religions, and interests that necessarily existed among them. It was sufficient to advert to these circumstances to show that this measure was both necessary and one of great importance. The Government had given the subject its full and complete consideration before submitting the Bill to Parliament, and in dealing with the question it had endeavoured to limit the changes as much as possible, and make only those that experience showed to be absolutely necessary. With regard to the Executive Council, the principal changes were two in number, and the experience of late years had shown that they were required. Under the existing system, by the Act of 1853, the Home Government had the power of appointing, in addition to the three ordinary Members of the Council of the Governor General, drawn from the Civil Service, a fourth ordinary Member, who stood in place of the Legal Member appointed under the Act of 1833. Circumstances occurred which made it a matter of paramount necessity to appoint a Financial Member of the Council, and the Government availed itself of the power they had of appointing such person instead of a Legal Member. It was probable that the presence of a Financial Member would continue to be necessary ; but in the despatches which had been laid on the Table, from Lord Canning, he expressed his opinion that it would be desirable that, besides the Financial Member, they should also have the power of sending out another

Member of Council from this country, who should be the Legal Member of the Council. One of the changes, therefore, proposed by the Bill was that the Government took power to appoint another Member of the Council, who should belong to the legal profession, in addition to the Member appointed for his practical knowledge of finance. The Governor General had also expressed a desire to have a legal power of carrying into effect a system of division of labour between the Members of the Council. Looking at the vast interests that were under the administration of the Council, and the great increase of business in the last fifteen or twenty years, it was desirable to give each Member of that body a distinct and defined responsibility with repect to the part of the administration under him. The Bill, therefore, gave the Governor General the power of distributing among the Members of the Council particular departments of administration, and giving to the orders of these Members the same authority in respect to their own departments that now attached to acts done by the whole Council. These were the principal changes proposed with regard to the Council as an executive body; they were intended to meet the increased demands upon it, and he trusted they would enable it more fully to discharge its duties. But the more important part of the Bill was that affecting the future constitution of the Council as a legislative body. Before 1833, certain powers of legislation were possessed by the local Governments of Madras and Bombay, as well as by the general Government at Calcutta; but in 1833, a system of centralization was established, by which the powers of the local Government were transferred to the Governor General and his Council. This system continued till 1853, when it was thought, in consequence of the evidence given before the Committees of both Houses that sat previous to the Act of 1853, showing the necessity of strengthening and increasing the Legislative Council, that there should be Members in it representing different parts of the vast territory of India; and it was also considered advisable to increase its qualifications for the preparation and passing of laws by adding two Legal Member. Accordingly, by the Act of 1853, there were added to the Legislative Council one Member from Madras, one from Bengal, one from Bombay, and one from the North-West Provinces, and also the Chief Justice and one Puisne Judge of Calcutta. These Members were only added to the Council which previously existed. They were not a separate Legislative Council. A reference to the debates in Parliament at the time, and to the Act itself, would show that there was no intention to make this Council a little Parliament, with all the powers of a British Parliament, and assuming the rights that naturally belonged to a Parliament. But when the Act was about to come into operation, Lord Dalhousie prepared a set of Standing Orders, no less than 136 in number, framed on the model of the Standing Orders of this and the other House of Parliament, and laid them before the new Legislative Council, which adopted them. These Orders, unquestionably, as far as forms went, gave very much the appearance of a Parliament to the Council. He was inclined to speak with great respect of the administration of so great a statesman as Lord Dalhousie's, but at the same time it did appear to him that this step of his was very unwise and inconvenient. The Legislative Council of India was not a Parliament; it was, therefore, not desirable to give it a set of forms and orders that encouraged the Members to assume to themselves the rights of a representative body. The despatches which had been laid on the Table would show that the Governor General was of opinion that the present system was most mischievous, and the various discussions which had taken place in this and the other House of Parliament showed that that opinion was shared by those who were best able to form a judgment on the subject. These defects were not from the Act of 1853, but from the rules and standing orders which were subsequently adopted. From that time, on various occasions, the Legislative Council has assumed to itself, to a certain extent, the right of a Parliament. Instead of dealing merely with the measure submitted to them, individual Members of the Council brought forward motions which had no reference to the measures then before them. Lord Canning, also, in his despatches, called attention to another circumstance—that if it was desirable to have a local representation of various parts of India, the present system was inadequate for that purpose. There existed, not unnaturally, a degree of jealousy whenever local interests were not sufficiently considered in the only body capable of passing laws affecting those interests. Upon that point Lord Canning said, in his despatch of the 9th of December, 1859—

> "There is no doubt that the introduction of a single Member from each local Government has been, as the Lieutenant Governor of Bengal observes, a great advantage; but, although an improvement has thus been made in the system antecedent to 1854, I do not think that it has been carried far enough. I do not think that, the principle of representing the local Governments in the Council being once admitted, the Governments of Madras and Bombay can be reasonably expected to be satisfied with the share which they at present have in any legislation directly concerning their own presidencies; and I believe that by giving them a much larger share in it, useful local measures may be facilitated and expedited, without leading to any interference with measures of a general character, or with the authority and responsibilities of the Governor General in Council."

There was another circumstance upon which he must touch in passing. Among the Members of the present Council were two of the Judges of the Supreme Court of Calcutta. Admitting, as he fully did, the valuable services rendered by those gentlemen in the legal and techanical business of the Council, especially by Sir Barnes Peacock, it was for obvious reasons desirable that the precedent of this country should be followed, and that Judges sitting on the bench should not be admitted into the Legislative Council. Those defects having been proved to exist Her Majesty's Government had to determine what course they could take to render the Legislative Council capable of discharging more adequately and safely the duties entrusted to it. In approaching the subject they were met by two opposite opinions. On the one hand, there were many persons, and among them those of great authority, who urged that the Legislative Council should be altogether abolished, and that a return should be made to the old system of 1833, placing the power of legislation exclusively in the hands of the Governor General and his ordinary Council. There were, no doubt, arguments which could be used in favour of that course; but it must be borne in mind that they were not now constructing for the first time a Legislative Council for India, and they must, therefore, look at the previous legislation upon this subject. When the Government looked at the existing state of things, and considered the authorities against the abolition of the Legislative Council, they did not feel that it would be desirable or expedient to resort to that extreme measure. Upon that point the present Governor General of India must be regarded as a high authority, especially from his experience of the great events of late years. In his despatches Lord Canning never for a moment contemplated the possibility of abolishing the Legislative Council and reverting to the old system, for after stating general grounds against such a step he stated one reason which appeared to be a sufficient answer to the arguments of those who would throw the burden of legislation upon the Executive Council of the Governor General. That reason was that in the present day the Executive Council could not undertake those duties of legislation in addition to those which now devolved upom them. In his despatch of December 9, Lord Canning said—

> "Although I am not able to give any help towards a comparison of the two plans, having had no experience of the earlier one, which from 1854 has ceased to be in operation, I entirely agree in the opinion of the Lieutenant Governor that it would be impossible to revert to it. To do so would be to throw back upon the Governor General in Council duties which are increasing in importance and weight, and which will continue so to increase; and the Governor General in Council must not, in fairness or in sound policy, be required to take upon him any addition to the burden which he already bears."

Thus, the Governor General was of opinion that if those duties were thrown upon the Executive Council the consequence would be either hasty and ill-considered legislation, or that the ordinary administrative duties of the Council would be neglected. In a country like India neither contingency could be risked. There was another opinion upon the subject which could not be entirely overlooked, and which was advocated by many persons in India and by some in this country, but from which he entirely dissented—he meant the opinion of those who thought there should be in India something resembling a Representative Assembly. Those persons, however, who advocated this system, did not intend to give representation to the Natives of India; but, if not, how could they call that a representative system in which in reality the principle of uniting taxation and representation about which they were so fond of talking was disregarded? But what was asked for was something like a representative system for the European inhabitants of India, for the purpose of governing the Natives of India. Against any such a scheme Her Majesty's Government most strongly protested. Such a system would be most injurious to the interests of the Natives, by exposing them to the caprice and selfishness of a class which was wholly irresponsible to the Native community, and they felt that the result of such a system of Government must be ultimately the destruction of our power in India. Now, if it were true that a feeling prevailed in the minds of the European community in India that in the legislation of that country their interests were not sufficiently considered it was not unnatural that complaints should be made. But if legislation were again to be handed over to the Executive Council there would arise in the minds of the European community an apprehension that they would be liable to hasty and ill-considered legislation, and that was a risk which should induce the Legislature of this country to pause before it abandoned the course upon which it had of late years proceeded. Another suggestion that had been made, and which had the high authority of the noble Earl opposite (the Earl of Ellenborough) in its favour, was that the Members of the Council should have only a consultative voice in respect to matters of legislation — that they should be consulted by the Governor General — should give their opinion, but should not vote upon any matter that might be brought before them. It was with great diffidence that he opposed anything which fell from the noble Earl; but it was evident from the despatches of Lord Canning that that noble Lord contemplated nothing of that kind, and that what he thought necessary was that these additional Members of his Council should have full legislative functions, and that to make their functions merely consultative must greatly weaken their responsibility. Her Majesty's Government had, therefore, endeavoured to steer their course midway between these opposing opinions; and while they had thought it right to include in this Bill provisions for strengthening the Council of the Governor General and for securing the presence in it of additional Members for legislative purposes, they had on the other hand sought to remove those defects which experience had shown to exist under the present system. With that view they proposed, with reference to his Council in its legislative capacity, that the Governor General should be empowered to call in the aid of not more than twelve and not less than six Members for the discharge of legislative duties, one-half of that number to consist of persons holding no civil or military employment under the Government. They left the selection entirely to the Governor General, only providing that the persons nominated shall belong in the proportion he had stated to the non-official classes. Thus the non-official classes of India, Native and European, would have persons drawn from their body acting as members—for it should be observed that, under this provision of the Bill, Natives of the country would be eligible for seats in the new Legislative Council. But having thus strengthened the Council they took measures to prevent its assuming again the functions of a little Parliament, to which he believed their Lordships objected as much as the Government did. The 18th Clause provided that the Council, when assembled for legislative purposes, should take under its consideration only the measures submitted to it in the shape of Bills, with the view of their becoming laws. They would be restricted from making any motions except with reference to the measures so brought before them, and also be precluded from introducing any Bills upon certain important political topics without the previous sanction of the Governor General. It would be left to the Governor General to draw up a code of rules and regulations for the proceedings of the Council, to be submitted to the Secretary of State in this country. These regulations would determine the extent to which publicity should be given to the proceedings of the Council, and settle other details connected with the mode of conducting business. There was one power of an entirely novel and very important character which the Bill conferred on the Governor General. It empowered the Governor General in cases of emergency to pass ordinances upon his own authority, and independently of the Council, which should have the effect and force of law for a period of six months. Such a power was urgently required during the late mutiny, and might advantageously be confided to the Governor General under the limitations contained in this Bill. He had omitted from his description of the measure any allusion to the representation of the various provincial Governments of India. That necessity it was proposed to meet, not by enlarging the number of representative Members in the central Legislative Council, but by establishing in the Presidencies of Madras and Bombay, and also in the North Western Provinces, local Councils formed generally on the same principle as the new Council at Calcutta. In Madras and Bombay these Councils would consist of the Executive Council of the Governor of the Presidency, together with a number of other persons to be appointed by the Governor, in number not to be less than four nor more than eight, one-half not to hold official positions under the Crown. Care was taken to prevent the local Councils from dealing with any measures which might interfere with the general policy of the central Government, without obtaining the previous consent of the Governor General. The plan embodied in the Bill, therefore, while it would continue the existence of legislative Members attached to the Council of the Governor General for purposes of legislation, while it would enlarge the sphere from which those Members might be drawn, would, at the same time, render it certain that the Council so constituted could not be led to entertain the false notions of its own duties which had to some extent crept into the present Legislative Council. The new Council would not be a Parliament, or a great inquest of the nation, to use the language of a judicial Member of the existing Council, but it would be confined to its proper duty of discussing and passing laws. The system of local Legislative Councils, though a novel experiment, would, he believed, meet the wants of the different provinces of a country so vast and varied as India, while it would also relieve the Council of the Governor General of a growing burden of work which was now overwhelming. Having gone through the chief features of the measure, he would merely ask their Lordships to remember that it had been framed in accordance with the views and recommendations of the Governor General, that it had received the approval of the Members of the Council of India, and that her Majesty's Government confidently trusted it would be the means of improving the administration and promoting the welfare and prosperity of our Indian Empire.

Moved, That the Bill be now read 2^a.

The Earl of ELLENBOROUGH :—My Lords, the noble Earl in moving the second reading of this Bill has adverted to many matters of detail, which I think can be more conveniently considered in Committee. I shall not trouble your Lordships by following him into any of those subjects. I shall confine myself altogether, in the few words which I shall take the liberty of addressing to the House, to the principle of the Bill, which I apprehend to be a very great alteration in the manner of making laws for India. I entirely concur in the urgent expediency of putting an end to the scandal and mischief which have attended the operation of the present Legislative Council of India. I think the action of Parliament was absolutely required for that purpose. There are some provisions in this Bill which I approve. But when I remember the measure of Lord Grey's Government in 1833—a most able Government—which established in the Governor General in Council the exclusive power of making laws and regulations for all India, and placed under him and his Council the sole administration of affairs throughont our dominions in the East—a measure which was highly extolled at the time; when I remember that the Bill of 1853, also proposed by a very able Government—that of Lord Aberdeen—completely remodelled the measure of Lord Grey's Ministry; and when I remember that the Bill of 1853 itself, carried as it was almost unanimously through both Houses of Parliament, is about to undergo very extensive alterations through the medium of the measute now under discussion, I may, I hope, be forgiven if I do not unhesitatingly adopt all the provisions of this Bill, or view them as the expression of absolute wisdom and the production of perfect foresight. The provisions of the Act of 1853 met a difficulty generally acknowledged in the administration of India by the Governor General and Council in their legislative capacity. The Governor General at that time had to make laws for Madras, Bombay, and the whole of India; but he had a Council soley connected with Bengal; and, although he might communicate with Madras, Bombay, and other territories, he had not the advantage of personal intercourse with any one connected with those different Presidencies. It was, therefore, thought expedient to give him the advantage of that personal communication, and four gentlemen were to be selected as the representatives of the Provinces for the purpose of giving him that assistance. I entirely approved of that arrangement. If Parliament had stopped there, and had not done that which Parliament is, on many occasions, too apt to do, gone beyond the necessity of the case, I really believe that at this moment there would have been no complaint with respect to the action of the Governor General in Council in the exercise of his legislative power. Unfortunately, an undoubted error was committed by Parliament in framing that Bill. Where it was most expected that we should find strength we have unfortunately discovered the source of weakness; that is in the large introduction of what is called the judicial element into the composition of that Council. Now it is, I believe, the unanimous opinion of both Houses of Parliament that in that respect at least a decided alteration is absolutely required. But two other and perhaps even greater grievances have arisen out of the operation of that Act, for which Parliament is only so far responsible that it did not prevent their occurrence. Actively Parliament was not instrumental in the creation of these grievances. The first is that which has been touched upon by the noble Earl, and has arisen from the error committed by the Governor General in Council, in converting into the appearance of a Parliament that which was intended by both Houses of Parliament to be no more than an extended Cabinet; and, further, in establishing for the conduct of that extended Cabinet rules which have induced its Members to suppose that they were to act in a manner quite inconsistent with the intention of the Legislature here, and quite inconsistent with the conduct of the Government of India, in matters affecting the interests of the people. There was another and, I think, even a more serious error than this. The Council, even with the addition of the judicial gentleman, was admirably adapted to consider, in confidential intercourse as a Cabinet, any measures which might come before it; but composed as it was it was eminently disqualified for exhibiting in public all its failures to the eyes of any passers-by who might choose to go in and hear its unfortunate discussions, and in many instances, I fear, to gratify their desire to see humiliated the dignity of the Government of India. For these two errors—the greatest errors which were committed, and those which now bring the subject again before the House—the Governor General of that day in council is responsible. I entirely agree with what the noble Earl has said with respect to the character of Lord Dalhousie. He was a really great Governor General, and I have always so esteemed him. As a civil Governor I know no one whom I should place in competition with him. He committed some political errors, but I think so highly of the ability of Lord Dalhousie —I think so highly of his resolution, and of the influence and authority which he had acquired throughout India, that I believe that as long as he remained in that country the effect of his errors could never have been perceived, that the mutiny would never have occurred; nor do I believe that if he had sat at the head of the Council, the members of that Council would ever have conducted themselves in the manner in which they have conducted themselves, by which they have incurred the disapprobation of all persons in this country. That is the opinion which I have always entertained of Lord Dalhousie, and I rejoice to have this opportunity of stating it. But, my Lords, what is that which is proposed in lieu of this condemned Council? I know not what is intended to be the composition of the Council in India under this Bill; Parliament cannot know. Parliament gives to the Governor General the power of having from six to twelve additional members of his Council; but between those numbers lies the whole secret of having a majority or a minority in his Council. As long as the Governor General confines himself to the circle of his Executive Council he has a fair right to expect a general and honourable support. I received such a support, although under most unfortunate circumstances, inasmuch as endeavours were made by persons in authority here to raise an opposition to me in my own Council. The Members of that Council, however, behaved honourably by me, and on all occasions gave me their fair support. As far as his own council goes, the Governor General may almost universally expect that every measure of his which fairly deserves approbation and support will receive them, and that they will not be reluctantly given. But beyond the limits of that Council all is uncertain, uncertain even in persons who occupy some of the highest positions under the Government. That arises from this circumstance: there are among the English in India two parties. One of these parties desires to govern India for the English, and to treat it as if it was a property. There is another party which adheres to the Queen's Proclamation—which desires to govern India in the spirit of that Proclamation, and to do equal justice to the Hindoos and Mussulmans as well as to the English, and that, above all things, to respect the religion of the people. That is by far the smallest party; and its head is necessarily the Governor General. The intensity of party feeling on both sides is such, especially upon the subject of religion, that it overrules all the motives which generally control the conduct of men. That subject of religion is altogether vital. Our empire depends upon our adhering to the Queen's Proclamation in its full spirit with respect to that question. That is my opinion with respect to the Council which it is proposed to establish. Beyond the number of six the Governor General cannot go with safety. Does he obtain a better Council by getting even those six Members? The four gentlemen who represent the four Provinces are certainly among the first men in the country, and the best qualified to advise the Governor General. Who can he obtain in Calcutta—for to Calcutta he is altogether confined? There may be some distinguished persons among the gentlemen holding office under the Government, but he does not want them in the Council. If he wants to consult them he can send for them, and consult them out of the Council just as well as in it. As regards the other gentlemen, among whom, though undoubtedly a Native is eligible, there will be but little room for him—among the few who remain there is not one gentleman who of necessity knows anything of the people of India beyond the Mahratta Ditch, or who has the smallest reputation or influence in India beyond that narrow limit. And that is what you propose to the Governor General as a better Council than the representative Council which he now enjoys. I greatly prefer the Council as it now stands, without the Judges, to that which it is proposed to establish by this measure. But observe how the matter stands under this Bill. If the Governor General commits, as he may, the error of having an enlarged Council, in which he will be in a minority—which is a very great inconvenience, as noble Lords know, in the conduct of public business—if he finds himself in a minority there is no redress. These gentlemen are there for two years. During two years there is no relief for him; he is obliged to go on with them, and has not the power, which ought to reside in every Government, of dissolving an assembly which is acting against the interests of the people. For two years that enlarged number must remain, although it places him in a minority. But if he does that which would be still more mischievous—if he preserves the rule unfortunately adopted with respect to this Council of admitting every one who is going by to hear their debates in Cabinet—do noble Lords opposite think that that would be an advisable measure? If they do, let Her Majesty's Government try it to-morrow or next Saturday, and see how highly convenient they would find it that a confidential discussion of the measures of the Government should be conducted in public. If the Governor General takes that course he has no redress at all. The evil arises in the Council, and it is only through the Council that he can redress it. Of course, therefore, redress there will be none. What can he do? No doubt, if he can get a majority he may pass an ordinance; but he will not be able to do that, because he will be in a minority. He can, if he pleases, adjourn the Council. He may do more—he may direct the Council to meet in another place. That would be a strong measure, and would, in fact, be sending the Council into exile, because the members cannot leave Calcutta; the official men cannot leave their offices, and the non-official men cannot leave their business, or their business would soon leave them. Therefore, to do what the Bill says he may do, remove the Council to any other part of India, would be, in fact, to dissolve it. Under ordinary circumstances, then, the Governor General has no resource if he commits these two errors, and I think that is a very great fault in the Bill. Allow me to say a few words with respect to the other alteration which is to be made in derogation of what was deemed absolute wisdom in the time of Lord Grey, when he and his Government proposed that all legislative authority should be exercised by the Governor General and his Council, to whom the other Presidencies should be altogether subordinate. As the law now stands, the Governments of Madras, Bombay, the North-West Provinces, and the Punjab, may send a draught of any Bill to the Governor General for his consideration, setting forth, of course, reasons and facts on which he may form his own opinion. If the Governor General is satisfied that the Bill is a reasonable one, he can, with the assistance of his Council, at once make it law. There must, no doubt, be some delay in making these communications from one place to the other. This Bill, however, takes from the Governor General the advantage of personal communication with the gentlemen from Madras and Bombay. Does the Bill in any manner diminish the responsibility of the Governor General in respect to legislation for the subordinate Presidencies? Not in the slightest degree. If he is a conscientious man, as I I trust the Governor General will always be, he will have exactly the same trouble in that respect as at present, and, indeed, in some cases rather more. These Presidencies are not made independent. On the contrary, on a great many matters of importance, they cannot bring in a Bill without first applying for permission to do so to the Governor General, and sending him a copy of the Bill, in order that he may form an opinion on it. On other less important subjects they may pass a Bill, and send it to the Governor General for his concurrence or rejection. If the Governor General rejects the measure he is bound to give his reasons; and, if he assents, he is, of course, bound also to give his reasons for that decision to the Home Government, who may call it in question. In both cases he is equally bound to make himself master of the subject, and to satisfy himself as to the nature of the measure. He must thus perform two operations instead of one. He must give his opinion before a Bill is brought in, and afterwards, when it has been passed by the local Legislature. I confess that, had I such a task to discharge, I should think I was abandoning my duty if I did not make myself thoroughly acquainted with the subject, and carefully ascertain whether the Bill ought to be rejected or agreed to; and I cannot see how any conscientious man can relieve himself from that sense of responsibility. Therefore, if Parliament pass the Bill as it now stands, the Governor General will not experience in the slightest degree any real relief from the responsibility which he has now to bear. I own, however, that if this Bill pass I expect there will be a good deal of laxity in the manner of dealing with Bills sent up from Madras and Bombay, which will be by no means conducive to the interests of the country. The result, I fear, will be an enormous amount of local taxation, which will not—as it certainly was not in former times—be prudently imposed; and the amount of local taxation will always be made a reason for not bearing a fair share of the Imperial taxation which the Governor General may desire to impose. Madras and Bombay have always been very impatient of taxation, as I know by experience, and as is witnessed by the last speech of Mr. Laing. Yet look at the difference of taxation there and elsewhere. For instance, on salt, a man in Bengal pays three times as much, and in the Punjab and North-West Provinces twice as much, as a man in Madras or Bombay. I recollect the difficulty I had in raising the salt tax in these two Presidencies, and also in collecting the duty on opium in Bombay. A sort of universal insurrection is made by the governing people in these subordinate Presidencies whenever the slightest increase of taxation is proposed; and the pressure is really most serious. I do not expect better legislation for Madras and Bombay under the system now proposed than they have had hitherto; and, as I have said, I feel satisfied that the Governor General, if he does his duty and appreciates his responsibility, will be subject to the same labour and trouble as at present, and sometimes to more. Having promised at the outset of my remarks to confine myself to the principle of the Bill, I do not think I should be justified in going further. I observe with great regret that in framing this measure Her Majesty's Ministers have done that which has been so often done before—have gone beyond the necessity of the case and provided for matters which do not at this moment press for legislation. Speaking from what little experience I have had myself, but chiefly from the experience of others, I must say that of all things the most imprudent in India is to make great and frequent changes, and to disturb the mind of a people who love quiescence, and desire to adhere to that which is. When I recommend that you should go back practically to the state of things which formerly prevailed in regard to the legislation of India, I do not mean that the Governor General should dispense with assistance and advice. I have already expressed, in your Lordships' House, my opinion that the Governor General would do well to recur to the counsel and advice of what would here be called the Privy Council, and which is there termed a Durbar—an assembly of the most distinguished and influential persons of all classes in the country, such as that in which the old Princes used to sit and frame their laws. That would be a consultative Council, in entire accordance with Native feelings and predelictions, and, depend on it, it is only by consulting their feelings, by doing that to which they are accustomed—by respecting their prejudices even—that it is possible to reconcile ourselves to the people of that country. In a Durbar constituted as I have described, which might be held by the Governor General at such places as Allahabad and Lahore, he would sit as the representative of Her Majesty. But at present—nor probably will the case be altered by the Bill—the Governor General is excluded from his Council by the proceedings of its members. I observe that Lord Canning is never present in his Council. Could that have been contemplated by Parliament? Certainly not. The Governor General was made President of the Council, and, of course, it was expected that he would sit there, influence the proceedings, and derive advantage from the debates. I do not, however, question the propriety of Lord Canning's decision. I think that the Governor General could not sit in such a Council as Parliament has given him, or, perhaps, in such a one as is now proposed, without lessening the dignity of his position, and detracting from the influence and character of the British Government. Being firmly satisfied that you must govern India primarily for India, and through the people of India, in conformity with their opinions, feelings, prejudices, and customs, instead of blindly following your own, I object altogether to the general principle of this Bill.

THE DUKE OF ARGYLL thought that the noble Earl had greatly exaggerated the changes proposed in the Bill and the effect they were likely to produce. The truth was that hardly any change of an important nature was contemplated, except in regard to the constitution of the Council and the nature of the business which would ordinarily be brought before it. In the relations between the Governor General and his Council very little alteration would be effected by the Bill. There could be no question, he thought, that the Council was originally intended by the East India Company as a check on the Governor General; and that idea was maintained by the Regulating Act of 1773. It was under that system that the celebrated quarrel arose in 1784, between Warren Hastings and Sir Philip Francis. Another Act was then passed reducing the members of the Council from four to three. As the Governor General possessed a vote in the Council, the practical effect of the change in the number of members was to give him the power to overrule the Council, although there was no such power given him by the Act. A great change was made by the Act of 1793. In truth, they were now living under the provisions of that statute, and this Bill made very little change in them. The Act of 1793 gave power to the Governor General to overrule the Council in all matters and questions propounded in Council; and, so far, it seemed as if the 51st Clause applied to executive as well as legislative Acts. But the clause went on to say that the power of overruling the Council should not extend to altering or laying down general rules and regulations, or to the power of taxation. That was a near approach to the separation of executive and legislative functions. The Act of 1833 made no change in this respect. It was true the clause in the Act of 1793 was not renewed, but practically the Governor General was supreme in executive matters, though not in matters of legislation. Such was the state of things down to 1853. His noble Friend who moved the second reading had stated, and he (the Duke of Argyll) could personally vouch for the fact, that it was not the intention of Lord Aberdeen's Government to make any change in the powers of the Council or in the relations between the Council and the Governor General by adding to the number of Councillors. The objects of the Act of 1853 were simply to strengthen the legal element in the Council and to give the power of recommendation to the minor Presidencies. But, undoubtedly, owing to the forms of procedure which the late Lord Dalhousie unfortunately adopted, and to the Legislative Council meeting in a separate place from where the Executive Council met they began to assume greater powers than they had enjoyed before that Act passed. The only changes which this Bill was intended to make were alterations in the constitution of the Council, and in the system under which their proceedings had assumed the forms of a Parliamentary assembly. It made no change in the relations between the Governor General and his Councillors, except in one important respect. A clause was inserted giving power to the Governor General, in case he could not pass any law, to pass an ordinance which would have the effect of a general law for six months—the practical effect of which was that when the Governor General was in a minority in his Council he could overrule the decision of the Council for six months. That provision was entirely new, and it put into the hands of the Governor General a powerful and most important weapon, not only with regard to executive, but legislative acts. His noble Friend (the Earl of Ellenborough) had complained that owing to the extra number of Councillors, if the Governor General proceeded to the *maximum* which this Bill allowed—namely, twenty, of whom twelve would be nominated by him and the remainder made up of existing members and the Lieutenant Governors —he might be placed in a minority in his Council. The noble Earl had drawn an important distinction between two classes of Englishmen in India — those who represented the common feeling of the Presidential cities, that India ought to be governed mainly for the benefit of Europeans, without due regard to the feelings of the Natives, and those who desired to see India governed in the spirit of the Proclamation which had been recently issued by the Crown. But the noble Earl should remember that although it was perfectly true that the Governor General might possibly be in a minority in the Council, as he always might have been, yet the Bill amply secured a majority of that particular class (prominent among which were the Indian Civil Servants) who were for governing India in accordance with the wishes of the Natives ; there would be the officials connected with the Governor General, and the members of the Civil Service ; and the independent members, representing the commercial community, would always be in a very small minority. He thought that this was a great security for the good government of India, because, whatever might be said of the shortcomings of the Civil Service, he was sure it would be admitted on all hands that the Civil Servants had uniformly desired to consult the feelings of the Native population. They had shown that desire in the manner in which they had treated the indigo question, and opposed the commercial community in their wish to pass a law rendering perpetual a system which practically established slavery in Bengal. He entirely agreed that it would be a most dangerous thing if the Governor General could by any possibility, be overruled by the class which represented the spirit of the commercial community of Bengal, and that, in fact, such a result would be a return to the worst days of the government of India by a commercial company. There was nothing of the sort, however, in this Bill. With regard to the constitution of the Council the commercial element would always be a small minority, and the Governor General would have complete power to overrule their decisions and to carry against their will a decision of his own, which would for a short period have the effect of law. With regard, then, to the relations between the Governor General and the Council the Bill only made the Governor General still more supreme and absolute than at present. With regard to the relations proposed to be set up between the Governor General and the minor Presidencies it was intended to revert to the system which existed between 1807 and 1833, under which those Presidencies had the power to initiate measures and to pass them into laws if they were not vetoed by the Governor General, and he was sure that no one who had read the Despatch of Lord Canning could fail to see that the Governor General had given important and valid reasons for going back to that principle. He thought it was a strained interpretation to say that if the Governor General were conscientious he would have more trouble than he had now. Such questions as the land tax might be discussed by the local Presidencies in detail, and although the Governor General would be responsible for his assent to the measures proposed, no one could doubt that he would give his assent to local Acts, and reserve his veto for matters which involved any important principle. These were the chief objections to the Bill. They were not of any great force, and they did not touch the principle of the measure, which was to simplify the constitution and to divide the duties and functions of the supreme Government at Calcutta while giving greater power to the local Presidencies. There was one very important clause in the Bill, greatly limiting the power of the Council and increasing the power of the Governor General, to which the noble Earl had omitted to refer, and which he (the Duke of Argyll) ought to notice. By the Act of 1793, under which Mr. Pitt and Mr. Dundas intended that the Governor General should be supreme, there was a special proviso that the power of the Governor General in overruling his Council should not go to the extent of preventing any Councillor from originating and propounding any matter which he pleased in his Council. It was provided that the Governor General might adjourn the discussion once or even twice ; but beyond twice he could not do it ; and he suspected that it was under the operation of that provision, and strictly in accordance with the existing law, that Sir Barnes Peacock had moved resolutions calling in question a merely executive Act with which it was not intended a Councillor should have the power of dealing. To guard against that inconvenience and to limit the power of the Council, and at the same time to increase the power of the Governor General, there was a special clause in this Bill to the effect that no Councillor should propound any question whatever except one touching and concerning some legislative measure before the Council, without the previous sanction of the Governor General. A still further limitation had been introduced, which was borrowed from our own constitution, that no member of the Council should bring in any Bill which touched the revenue and taxation, religion, the military forces, or the relation of the Government with Foreign States, except with the consent of the Governor General. Considering the general provisions of the Bill, he trusted the House would see that the objections raised by the noble Earl opposite were, to a great extent, unfounded, and that the measure would materially improve the system of government in India.

Lord LYVEDEN said, that in spite of what had fallen from the noble Duke he must regard this Bill as one of great importance. It was idle to say that this was merely a recurrence to the Act of 1793, for, looking to the change of circumstances since that time and the manner in which public opinion both in England and India had been awakened to the subject, it would be almost as easy to return to the epoch of 1793 as to the state of the law which prevailed at that date. No doubt, after the declaration of Lord Canning, after the desires expressed in the Indian press, and after what had passed in the House of Commons, it was quite necessary that some steps should be taken by the Government. Though the House of Commons had been actuated by the idea that it was doing something for representative institutions in passing this Bill it would not be difficult to show that it would have no such effect. He regretted very much that the Bill had not been introduced in that House instead of the House of Commons, for, no doubt, such a speech as that of the noble Earl (the Earl of Ellenborough) would have had the effect of creating more discussion in the other House, and the Bill might have been moulded into much better form. He regretted, too, that the report of the Council had not been produced—he never admired the institution of such a Council, but it was scarcely fair to the able men who composed it that they should be treated as a Board of Revenue or some other inferior Board, and not as the advisers of the Secretary of State. It had been often said that it was not the intention of the Act of 1853 to create a local Parliament at Calcutta, and very probably such was not the intention of the Government of the day; but that the Act was so construed by Lord Dalhousie and by the public at large both in India and England there could not be the slightest doubt. The difficulty with which the Government had to deal arose out of the Legislative Council having assumed powers which were not intended to be given to it, having made speeches and gone into discussions which were not convenient. The greatest inconvenience of all, however, was the Chief Justice, and the chief object of this Bill seemed to be to do away with Sir Barnes Peacock. Surely, a simple declaratory Act would have been quite sufficient for that purpose. He could not but regard the alterations proposed by this Bill as prejudicial. By this Bill both representation and publicity would be done away with. There was nothing in the Bill to compel the Governor General to take representatives of the various Presidencies into his Council — he might select all his Council from one Presidency if he chose, and leave the smaller Presidencies totally unrepresented. As to publicity, while it was left in reference to the proceedings of the Councils of Madras and Bombay, it was taken away with regard to the great legislative Council of Calcutta. It was scarcely to be expected that the Indian public would acquiesce in that. You might just as well shut the doors of the House of Commons and tell the people here to be satisfied with having the debates of the Common Council to read. It was idle to attempt to limit the subject to be discussed by the local Councils. While there were men in them of equal rank and ability to those who sat in the Calcutta Council, and felt they were quite as competent to deal with public questions as the gentlemen who sat there, they would break through all rules and would discuss any questions of public interest they chose. He agreed with the noble Earl who had brought in this Bill, that direct representation of the Natives in the Council was impossible, as there were no means by which such representation could be attained; but on the selection of Natives the recommendation of a petition recently presented to the other House might be deserving of consideration, that the Natives selected should be nominated by some delegation of Natives. He saw no reason why some words should not be introduced into the Act to the effect that a certain number of the Members of the Council should be Natives. General words, "noble words" according to Lord Macaulay, had been introduced into the Act of 1833 and other Acts to the effect that Natives should be admitted to all offices, but notwithstanding the Natives had been passed over up to 1853, according to Mr. Cameron's report, and to the present time. He was, therefore, very anxious to see some peremptory clause introduced for this purpose. He entertained a strong objection also to the proposal to make throughout India an indefinite number of small Councils, which would probably introduce a greater change in the country even than had been effected by the transfer of the Government to the Crown. The Council, as it would hereafter be constituted, would certainly entail an enormous expenditure. He could not understand how the non-official Members of the Council were to be paid. [Earl De Grey and Ripon: They are not to be paid at all.] If that were so the selection must be confined to the residents in Madras or Bombay. He warned the Government, however, that if the local Councils really became effective, they would lead in the end to the separation of the Presidencies, which would thus become split up into colonies, instead of forming one great empire. Another evil which he wished to point out was that, as he understood, the Governor of Bombay or Madras was, *ex necessitate*, to succeed the Governor General. Now, these persons might not be selected for the same object; they might not have the same scope of mind; and, therefore, it would be well, he thought, to leave it as now and to take care that the Senior Member of Council was an effiefficient man, or, in all cases to provide a Provisional Governor General. He was happy to think that the task of carrying the Bill into effect was intrusted to Lord Canning, in whom he had as great confidence as when he first proposed his appointment; and he was certain that Lord Canning, acting in concert with the men whom he knew so well, would make the best appointments, and would carry out the Bill as well as it could be carried out. At the same time, Lord Canning's career was nearly at an end, and he was afraid that this Bill would increase instead of diminishing the evils in the way of any future Governor General of India.

The Earl of DERBY: My Lords, I will not attempt to enter on a discussion of the very important considerations involved in this Bill, which has been introduced by the noble Earl opposite with singular clearness and ability. Nothing could be more succinct and lucid than his explanation of the views of the Government. Nor will I follow the observations which have been made respecting it by my noble Friend (the Earl of Ellenborough). No doubt my noble Friend has taken some great objections to what may be termed the leading principles of the Bill, and those objections coming from him, are entitled to great weight, because everything which falls from him on such a subject comes to us with the full weight of his authority and experience. With respect to that portion of the Bill which establishes the local Legislative Councils I must say that I think that that is a matter which deserves the most serious consideration, and my noble Friend's observations on that point are entitled to peculiar attention. To another portion of the measure I do not attach so much importance as my noble Friend—I mean as to the danger which he apprehends that the Governor General will be over-ridden in the enlarged Council. When I look at the mode in which the Council is to be constituted, and see that one-half the members who are to be added may be persons holding official situations, and that the whole of them are to be selected by the Governor General himself, I think there is no danger of the Council exhibiting a great appearance even of independence, or at all events of hostility to the Governor General, or any desire, even if they had the power, of overruling any decision of his. On one point I believe there is no difference of opinion —namely, that the Legislative Council as lately constituted, not by the intention of Parliament, but by the course pursued in India and acquiesced in here, ought not to be permitted to continue: that the system of a little mock Parliament is wholly unsuited to the circumstances of India and to the position which the Council occupies there. I do not, however, rise for the purpose of discussing the alterations which it is proposed to make. I rather wish to ask for an explanation on a point of considerable importance. As to the constitution of the Council and the functions they have assumed to themselves, there is no difference of opinion. But I wish to have a distinct explanation respecting the degree of publicity which it is intended should be given to the deliberations of the Council in its executive or legislative capacity. In the Bill itself I do not find any distinct explanation of the intentions of the Government on this subject. My noble Friend recommends the Government to decide on this question by the light of their own experience, and has pointed out how impossible it would be to conduct the proceedings of an enlarged Cabinet in the presence of the public. What I wish to know is whether the Government intend to draw a distinction, as regards publicity, between the minor and the enlarged Council in their executive and legislative capacity? The Legislative Council, with the additional Members, cannot be considered exclusively as an enlarged Cabinet, because it is summoned strictly and solely for legislative purposes; but the Executive Council, with the additional Members, is strictly in the position of a Cabinet. A consultation will take place, and nothing can be more inconvenient than that the discussion on such occasions should be carried on in public. I repeat that I do not find in the Bill any distinction drawn between the amount of publicity to be given to the proceedings of the Executive Council meeting in its Cabinet and confidential capacity, and its proceedings as enlarged with the additional legislative Members, and meeting for purposes of legislation only. I should like to know whether the Government propose to introduce a provision for the purpose of clearing up this point. Then I cannot help thinking there is an oversight or verbal inaccuracy in the 3rd Clause respecting the constitution of the Council. Three Members are to be from time to time appointed by the Secretary of State for India from among "such persons as shall be, or shall have been, at the time of such appointment, in the service in India of the Crown, or of the Company and the Crown, for at least ten years." That sentence is really nonsense. I suppose it is not meant that any persons who may be in the service of the Crown, even if appointed only the day before, shall be admissible to this office. But by the collocation of the sentence the qualification of ten years has reference both to the "shall be" and the "shall have been." Now, "shall be for at least ten years" is nonsense. As the clause stands it leaves it uncertain whether all persons "shall have served" the Crown for ten years. This, as the qualification, ought to be made clear and definite. Perhaps the confusion is the consequence of some Amendment in the House of Commons by which the sentence became distorted and ungrammatical. I call attention to the subject because I think the noble Earl will see the importance of making the qualification of Members of the Council clear and distinct.

Earl GRANVILLE said, that as respected the action of the Council in its executive capacity no publicity was ever intended to be given to its proceedings; but with regard to the publicity of the debates of the Council in its Legislative capacity Her Majesty's Government had given the subject full consideration, and had thought it best to leave that question in the hands of the Governor General. In regard to the clause respecting the qualification, the error had arisen from their having taken the words of the old Act, and would be rectified in Committee.

The Earl of DERBY: As it at present stands a person who has been only one day in the service of the Crown may be chosen, provided he is in India at the time of the appointment.

Earl DE GREY and RIPON: The clause can be amended by leaving out the words "shall be," so as to make it quite plain that the qualification is to be ten years' previous service under the Crown in India.

Motion *agreed to*.

Bill read 2ª accordingly; and *committed* to a Committee of the Whole House on *Tuesday* next.

House adjourned at half-past Eight o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, July 9, 1861.

Minutes.]—New Member Sworn.—For Durham City, Sir William Atherton.

Public Bills.—1° Rails (Highways and Streets); 3° East India (Civil Service); Appropriation of Seats (Sudbury and Saint Albans); County Surveyors, &c. (Ireland); Copyright of Designs.

IRREMOVABLE POOR BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 9 (Contributions to the Common Fund to be calculated according to the annual Value of rateable Property),

Amendment again proposed,

> "In page 3, line 12, to leave out after the word 'thereof' to the end of line 14, in order to insert the words 'upon an assessment calculated by adding to the annual value of the lands and hereditaments in each of such parishes, as hereinafter described, a sum equal in pounds sterling to the amount in numbers of the population of such parish, according to the last Census,"

—instead thereof.

Sir BROOK BRIDGES expressed the objections he felt to the present clause, and protested against a larger area of rating being adopted than that which now existed. He thought that the parochial system should be encouraged as much as possible. In the rural districts great endeavours had been made to employ the poor, even when their services were not absolutely requisite, in order that they might be dealt with fairly. Facility ought to be given to the poor man to go to any part of the country where his services might be most required — and, indeed, emigration at present proceeded to a considerable extent. He approved of the Amendment proposed by the right hon. Gentleman (Mr. Sotheron Estcourt); but would reserve to himself the right of opposing the clause in any manner he might think fit. He should be glad if the Home Secretary would postpone the Bill till next Session.

Lord HENLEY said, that he had found that in many unions a great abuse existed in the exemption of what were called close parishes from paying towards the union rating. That abuse was obviated by this clause, and it, therefore, should receive his support. He could not give his assent to the principle of the Amendment—namely, that the parish with the smallest population, though of the same rateable value with another, ought to pay less. That would hold out an inducement to landlords to get rid of the poor out of their parishes in order to escape the charges to the common fund and the general poor rate. One of the greatest wrongs now perpetrated was that landlords availed themselves of the labour of the poor when they were able to work, and turned them out of the parish when their labour was no longer available. This was a wrong so grievous that he would do nothing to encourage it, as the Amendment, by making population an element in the mode of contribution, would be certain to do. He was not in favour of union rating, because he thought there should be some recognition of the merits of parishes which were well managed, but he thought there might be such an extension of the system as was proposed by the present Bill.

Mr. ADDERLEY felt compelled to differ from his right hon. Friend near him (Mr. Sotheron Estcourt) on the Amendment he had proposed. He thought his right hon. Friend was right in saying that the Bill would work unfairly; but he anticipated that the check proposed by his right hon. Friend would be as likely to work against his object as for it—for example, when there were two adjoining parishes, one small but composed of rich landlords, the other large but almost solely composed of the poor; in such a case the poor parish would, by the Amendment, have to pay largely; while the rich one, which had a small population, would escape with a very small payment. But though he was opposed to the Amendment of his right hon. Friend he was equally opposed to the 9th Clause. His opinion was that the more they equalized these burdens the better. There was much that was good in the measure, but the first part of the Bill and the second were inconsistent. He suggested to the Home Secretary that he should proceed with the Bill, omitting the present clause.

Mr. TOLLEMACHE hoped the right hon. Gentleman would not abandon the 9th Clause. He had, with great reluctance, come to the conclusion to vote against the Amendment, as he thought it would prove injurious rather than otherwise to poor parishes. The more he considered the question, the more he thought that some change of the present system was called for. He strongly deprecated the system of turning the poor out of parishes when their labour was no longer available, and mentioned, as a proof of the power which landlords possessed in this respect, that in his own parish he might, if so inclined, turn every poor person out of it. He would vote for the clause, because he thought it would remedy this evil.

Mr. DENT hoped the right hon. Gentleman would not give his assent to the Amendment. The clause as it stood would in his opinion, go far to remedy evils that now existed.

MR. E. BALL accepted the Bill, with the conviction that on the whole it would, be beneficial to the country; and he could not support the Amendment, because he did not believe it would tend to the advantage of poor parishes. Under the present system the strength and vigour of the poor were taken advantage of for the purposes of labour; and then, when old age or infirmity came on, they were left to be supported by those who had not enjoyed the benefit of their labour. He thought the 9th Clause would tend to alleviate this evil, and as he considered it the marrow of the Bill, he would give it his cordial support.

MR. DODSON hoped the right hon. Gentleman (Mr. Sotheron Estcourt) would not press his Amendment to a division. The 9th Clause would, in his opinion, operate most advantageously for the poor. It was proved before the Committee that in York, and other towns, one street was found to be in three, four, or five parishes, and in those cases the poor were turned out of one parish into another without knowing anything about it. The clause would remedy such an evil as that, and, therefore, he gave it his support.

MR. CAYLEY thought that in legislating on this subject they ought to consider present usage, and what were the customary payments. The evil complained of was that which arose from what were called "close parishes." The Amendment of the right hon. Gentleman touched these cases, but dealt tenderly with them. He could not consider this Bill, and especially this clause, as anything but an attempt to get in the thin edge of the wedge of union rating. In the euphonious language of the President of the Poor Law Board, it meant equalization of rates. He was perfectly satisfied that if it were adopted union rating must follow. He had no objection to the former part of the Bill. He had some doubt as to the remedy proposed by his right hon. Friend. He should like before they legislated in the sense of this clause to have returns from every union as it now stood, as it would stand under the alteration proposed by the President of the Poor Law Board, and as it would stand under the Amendment of his right hon. Friend (Mr. Sotheron Estcourt) He should like to know what Gentlemen meant by a close parish. He knew that under the parochial system the interests of the poor were considered, and the interests of the ratepayers also. If they passed this clause they would give the power into the hands of those who, not having any direct inducement to economize, would pursue a course that must eventually increase the pressure of the rates. He should probably vote in the first instance for the Amendment of his right hon. Friend, but if that were not carried he should vote to leave out Clause 9, which he considered one of the most violent attacks on vested interests that he had ever remembered, and considering that it was a most insidious step taken towards union rating, under which a great check to the increase of the rates would be taken away, he would give it his most determined opposition.

MR. PAGET gave his support to the Bill on the ground that it encouraged the labouring men to live upon the estates upon which they worked.

MR. LYALL thought it would be contrary to the whole course of legislation of that House to give an interest to parishes to discourage the increase of the labouring population, which would be the effect of the Amendment. He thought the clause would operate very fairly in equalising the burdens of parishes, and calling upon those which had hitherto escaped to contribute their share to the support of those in whose services they shared the advantage.

COLONEL WILSON PATTEN said, that by the clause as it stood they would be paving the way for the introduction of union rating, and so soon as they came to that system they would increase the burdens of the Poor Law to the country by 50 per cent. He admitted that some great advantages would be derived from this clause; but on the other hand the disadvantages were so considerable as to justify him in voting for its omission. He should in the first instance support the Amendment of the right hon. Gentleman, and if that were rejected he should vote against the clause.

MR. WALTER said, it was always satisfactory to argue with Gentlemen who stated broadly and in an unreserved manner the reasons by which they were guided. The hon. Member for the North Riding (Mr. Cayley) and the right hon. Gentleman the Member for North Lancashire (Colonel W. Patten) stated that their objection to the clause was that it would introduce union rating. It was for that very reason he supported the clause. Ever since he had been able to pay attention to this question the conviction had been growing stronger and stronger on his mind that union rating was not only the system to which they must arrive, but that it was the only fair and equitable system. Nothing could be more arbitrary than the division of parishes ; they were mere ecclesiastical divisions, and no reason could be given *à priori* why they should be divided in the unequal and arbitrary way in which we now found them. The hon. Member for the North Riding asked what was "a close parish?" He (Mr. Walter) lived in a neighbourhood where there were parishes so "close" that they belonged to two or three persons ; and he could point to parishes in which it was not possible for any person to build a cottage—that was to say, parishes in which those who resided in them had the power of preventing the poor from living in those parishes. He could mention a parish in his neighbourhood in which, up to a recent period, the population had not increased one single soul for a century. ["Name, name!"] He could easily name the parish if it was desirable to do so. ["No, no!"] Many Gentlemen could confirm the accuracy of what he had stated. He could confirm from his own knowledge what the hon. Member for South Cheshire (Mr. Tollemache) had stated as being the case in his parish—that there were parishes in which landlords had the power of not allowing a single poor person to live in them. Now he asked on what principle of justice they should be exempted from bearing their proper share of the burden of supporting the poor, and so throw the burden on neighbouring parishes? The right hon. Gentleman the Member for North Lancashire complained that in his part of the country the towns absorbed the labouring population. He should like to know whether there was any deficiency of cottages in the parishes to which the right hon. Gentleman referred? His experience was that wherever cottages were built the population was to be found. They had heard a good deal about the parochial system ; but he, for one, was unable to discover what the parochial system consisted of. He had always understood that the new Poor Law system destroyed parochial management. He would give an instance to prove this. He never but once attended a meeting of a Board of Guardians, and he went on that one occasion to look after the case of an old woman seventy years of age, whose allowance had been struck off. He found the meeting attended by guardians from other parishes, and on a division they beat him by a majority of one. He thought it right, however, in these circumstances to avail himself of his privilege as a magistrate, and, getting a brother magistrate to act with him, they exercised the right which the law gave, and made an order that the poor woman should be relieved, to the great surprise and disgust of the guardians assembled. Where was the parochial system there? The guardians of the neighbouring parishes refused the relief to this poor woman ; but, if the guardians of neighbouring parishes could control the poor in other parishes than their own, on what principle could they refuse to bear the burden of the poor in those parishes? This state of things had very much influenced him in forming an opinion in favour of union rating. He held that whatever the area of management was that should also be the area of rating. Nothing could be more fair, nothing more logical, than this conclusion ; and he did not apprehend that there would be any danger of extending the area of rating beyond what was found necessary for good and economical management.

Mr. HENLEY said, the hon. Member for Berkshire supported this Bill because he thought its tendency was towards union rating, and he evidently thought that that was the result to which it would lead. The hon. Member also thought that nothing could be more absurd than the division of parishes; but he (Mr. Henley) would ask, whether anything could be more absurd than the division of unions? There was the greatest possible difference in the size, the population, and the wealth of unions; so that the same objection would apply to them that the hon. Member had raised to parishes. The hon. Member mentioned the case of an old woman of seventy who was denied relief; but that occurred under union management. Fortunately for her, the poor woman found a humane individual in her neighbourhood, who attended to her case; and it would be found that in most cases the poor had the assistance of persons in their own parishes, who went to the union and interposed in their behalf. He believed that if they once extended the area over a large space they would soon have the same state of things that they formerly had in the large parishes. It was likely enough, as the hon. Member for Berkshire observed, that no increase had taken place in the population of some parishes for many years. No doubt that was the case, and he would probably find some which had even less population than they had a century since. That was no argument, however, for or against the claim, for this apparent stagnation was not to be ascribed to pulling down cottages, but was done, in a great degree, to the absorption of small farms into larger ones. There was, of course, a smaller population in the case of large farms than small holdings; because, in addition to the number of labourers employed, there were also the families of the occupiers who lived upon the small holdings. He thought that in the present Bill the House was legislating prematurely in the dark. All the discussion that had taken place on this clause showed that information was wanting as to its precise operation, and in the absence of information it was not very unwise to look to authority. From a comparison of the very conflicting opinions which had been expressed by persons qualified to form an opinion upon the subject, he took the ba lance of authority to be in favour of the retention of the clause with Amendments. Upon the question immediately before the House he should give his vote for the Amendment.

Mr. TOLLEMACHE wished to explain that he had referred to the case of his own parish merely to show the power which landlords possessed of turning the poor out of their parishes—a power which no class of men ought to have.

Lord HARRY VANE said, that as the alteration now proposed was a very mitigated one, and although it would interfere slightly with the incidence of the burden of the poor rates, he would not on that account be deterred from doing what he considered an act of justice, and attempting to remedy an admitted evil. If he were certain that the Bill would be the end of the wedge in favour of union rating, that would be no ground for his declining to support the measure. But he did not think that the Bill went the length of any union rating; while as a tentative measure he considered it deserving of the support of the House.

Sir HARRY VERNEY freely owned that if this 9th Clause were a step towards union rating, that would be no objection to his mind. In close parishes the cottages had decreased, few were built, and the great proportion of the labour came from the open parishes, and he considered, therefore, that there was a necessity for some gradual alteration in the incidence of the rating, and that the close parish should contribute to the support of the poor. But this clause did not go so far as union rating; it introduced no great change, and the change it did introduce would, in his opinion, be very beneficial.

Sir JOHN PAKINGTON said, he had been in the habit of attending the meeting of boards of guardians for twenty-six years, and he was bound to say, from all the experience he had gained, that he had not that dread of union rating which was generally entertained on his side of the House. He agreed with the hon. Member for Berkshire (Mr. Walter) in thinking that, however excellent parochial rating might be for ecclesiastical purposes, it was not a beneficial system for the relief of the poor. It was their duty to improve as far as they could the position of the labouring classes, and he believed that nothing would tend more to that end than doing away as far as possible with the law of settlement and extending the area of rating. Entertaining these wishes he could not object to the clause. He was ready to admit that it was, to use the phrase of the hon. Member for the North Riding, putting in the thin end of the wedge with regard to union rating. His experience of the working of the Poor Law was that there was no disposition on the part of unions to deal with the common charges in a way different from the parochial charges; and he believed that, if they adopted union rating, the same motives to economy would prevail that existed under parochial rating. He should support the Amendment of his right hon. Friend for the reasons that it would make no material change in the incidents of taxation; that it would very much tend to reconcile the country to the introduction of union rating to this extent, and that it might have some effect in promoting the passage of the Bill elsewhere.

Mr. SLANEY, speaking from considerable experience, thought that it would be a great advantage to the poorer and working classes to have a settled residence provided for them, and he, therefore, gave the Bill his hearty support. He believed that if union rating were generally adopted, it would not be for the benefit of the working classes, but thought that the principle of union rating, so far as it was carried in this Bill, would be beneficial to them.

Sir JOHN TROLLOPE was confident

that Poor Law charges would be much enhanced by the present Bill. How would this particular clause operate with regard to the poor in future? It would much decrease the interest taken in the poor in the places in which they resided, and they would have the poor more often rendered subject to hardships than now, inasmuch as the Poor Law charge over the whole country would come to be considered as something like a common fund. He objected to this Bill also, because it would tend to break up the parochial system. He should give his support to his right hon. Friend, and if his Amendment was not carried, he should retain to himself the right of opposing the clause.

MR. ALDERMAN SALOMONS said, his constituents were reconciled to this Bill mainly by the 9th Clause, and he believed, if the Amendment were carried, it would cause very great regret.

MR. SOTHERON ESTCOURT, in reply, repeated his objections to the clause, and replied to the objections urged against his Amendment. He submitted that in coming to a decision in regard to it the Committee had to choose between two points. If they adopted the clause as it stood they would give their votes in favour of union rating, and union rating not confined to the particular clause of this particular Bill; and if on the other hand they voted for the Amendment the results would be small—they would establish a check upon the universal application of the system of union rating, and retain in their hands that which had been hitherto a most wholesome check upon extravagant expenditure by keeping in the knowledge and in the hands of the parishioners of different parishes some hold upon the purse held for the relief of the poor.

MR. C. P. VILLIERS admitted that in its pecuniary result this Amendment was a matter of comparative indifference, but he agreed with those who had said that the right hon. Gentleman's plan did offer a direct premium and inducement to those who held land in small parishes to get rid of their population. There was no evidence given before the Committee respecting the operation of this joint system of assessment, except that of the right hon. Gentleman himself, who afterwards, as a member of the Committee, gave judgment upon his own statements. A great practical injustice had been suffered for the last twelve years, and constant remonstrances had been made as to the mode in which the common fund of the union was charged, and all that the Committee had now to decide was whether this Bill met satisfactorily the long complained of grievance. What it proposed was simply that the poor chargeable upon the unions should be provided for out of the common funds of the union, instead of by the parishes separately. The plan proposed was no new one, and, it was a fact, the same as that brought forward by Mr. Charles Buller twelve years ago. There was already abundant evidence before the Committee to enable them to decide upon the question, and he hoped that there would be no public delay in its settlement.

MR. HENLEY denied that any such propositions as that contained in the Bill had been brought before the House on any occasion.

MR. C. P. VILLIERS begged to refer the right hon. Gentleman to the Reports which had been laid before the House previous to the debates in 1848, and to the discussion itself.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 137; Noes 100: Majority 37.

SIR JOHN PAKINGTON proposed the following addition to the clause:—

> "Provided also that the contributions of extra-parochial places to the common fund of the unions in which they are comprised, shall, notwithstanding anything herein contained, be calculated as heretofore."

All he asked was that the extra-parochial districts should be treated with justice, and not subjected to extraordinary burdens. He was himself proprietor of an extra-parochial district, and for years it had contained no poor whatever, a state of things which applied to many other extra-parochial districts. Under the system of averages nothing was paid for those places, and all he asked was that they should not be included in the charge now proposed with reference to the common fund.

MR. C. P. VILLIERS could not see on what principle these places which, by Act of Parliament, had ceased to be extra-parochial, should be exempt from this burden, and, therefore, opposed the Amendment.

MR. E. P. BOUVERIE explained the nature of the legislation which had taken place four years ago on this subject, and stated that the Act then passed applied only to those extra-parochial places which had no poor. He thought the right hon.

Baronet had a case in favour of the extra-parochial places that had never any poor, and he ought to confine his proposal to those places alone.

LORD LOVAINE could not understand why there should be any ground for exemption in favour of these extra-parochial places.

SIR JOHN TROLLOPE said, the introduction of those extra-parochial places was just one of many hardships that would be imposed by this clause upon-property.

MR. PEACOCKE thought it would be a fair and reasonable settlement of the question if those places that had not hitherto been charged for the poor were still to be exempted.

SIR JOHN PAKINGTON would agree to alter the terms of his Amendment to the effect that the exemption should apply only to those extra-parochial places which had not hitherto been chargeable for the support of the poor.

SIR JAMES GRAHAM saw a wide distinction between those extra-parochial places that had poor and those that never had them. He thought those places that had never been charged for the poor hitherto should be exempted from the charge under the Bill, and, therefore, he would vote for the Amendment of his right hon. Friend.

SIR GEORGE LEWIS did not look upon the matter as one of very great importance; but they were in the dark as to the numbers and extent of the places which it proposed to exempt. The same claim might, a few years ago, before the late Act was passed, have been put forward by a great number of parishes that could not now be exempted.

LORD JOHN MANNERS said, that whether the number of places affected was 20 or 100 was immaterial. The question was whether or not it was just that these claims should be considered.

House *resumed*.

Committee report Progress; to sit again *this day*.

ELECTION LAW AMENDMENT BILL, CITY OF GLOUCESTER.

QUESTION.

MR. H. BERKELEY said, he wished to ask the Secretary of State for the Home Department, Whether it be his intention to move, in Committee on the Election Law Amendment Bill, a Clause for the disfranchisement of Gloucester for five years, and whether that penal sentence is to date from the last election, or to be prospective?

SIR GEORGE LEWIS replied that if the Bill should come on for discussion in the present Session of Parliament, which, from the late period of the Session, he was afraid was somewhat doubtful, it was his intention, in the event of the House agreeing with the clause in the Bill with respect to the mode of dealing with Boroughs as to which corruption should have been reported by a Commission, to move that that proposition should be extended to the Boroughs of Gloucester and Wakefield. Of course, the time which should have elapsed subsequently to the Report of the Commission, and during which the Writs should have been suspended, would be allowed in computing the period of disfranchisement.

MR. H. BERKELEY said, he should withdraw his notice for a new Writ for Gloucester, and would give notice that in the event of the Bill coming before the House he should feel it incumbent on him to move for a new Writ, and in case the Bill should not come on, he should bring the whole case of Gloucester before the House.

MERCANTILE MARINE FUND.

QUESTION.

MR. CRAWFORD said, he would beg to ask the President of the Board of Trade, In what manner it is intended to deal with the large balance in hand and annual surplus which, as appeared by the Accounts of the Mercantile Marine Fund annually laid before Parliament, now stood to the credit of that fund?

MR. MILNER GIBSON replied that the revenue from the Light Dues in 1860 was £282,300. Taking the average of the last seven years the expenditure for the maintenance of Lights was £207,900, leaving a surplus of £74,400. From that surplus must be deducted the expenditure for life-boats, for rewards for saving life and so forth, amounting to the sum of £6,000, leaving an annual surplus of £68,400. It was proposed to apply this annual surplus to the redemption of the Light Dues in this way. It was proposed to take 15 per cent off coasting voyages, which would cost £12,856 per annum, and 10 per cent additional off both coasting and oversea-voyages, making £54,120, the two sums together making £66,976; in fact, giving a relief to the shipowner of nearly £70,000 a year. Perhaps he might be allowed to show the effect by a few short figures.

After these reductions had had full effect, a shipowner who paid £100 for a single ship in 1854, and who now paid for over sea-voyages £50, and for coasting voyages £65, would pay in future only £40. In this way it was intended to dispose of the surplus of income over expenditure. With regard to the balance in hand, arising from the accumulation of the surplus, it was thought it might be employed, and that it would not be more than sufficient for the erection of new buildings and new Lights, which from time to time were rendered necessary by the requirements of the trade.

INLAND REVENUE BILL.
QUESTION.

Mr. HENLEY said, he rose to ask Mr. Chancellor of the Exchequer, If he will postpone the Inland Revenue Bill, which stands for Friday at Twelve o'clock, until some day next week. There were important enactments in the Bill, and many hon. Members, as well as himself, wished for time to make themselves fully informed of its contents before it came for discussion. He also thought it would be more agreeable if the Bill was taken at the evening sitting?

The CHANCELLOR of the EXCHEQUER said, his wish had been to name a day which would give ample time for hon. Members to consider the provisions of the Bill, but he had no objection to fix it for the 19th. He could not name a later period consistently with going forward with Supply. He did not expect that the Bill would take any great length of time, for, although some of its provisions were important, yet in his view they were almost all of them provisions of relaxation and accommodation. If any question should give rise to much controversy he should be inclined to postpone its consideration to a future Session.

ELECTION LAW AMENDMENT BILL.
QUESTION.

Mr. HUNT said, he would beg to ask the Secretary of State for the Home Department a question of which he had given notice, as Whether it is his intention to proceed with this Bill this Session; and, if so, whether he can state to the House positively on what day there will be an opportunity given for discussing it? His question had already been partly answered; but perhaps the right hon. Gentleman would name a day after which he would not proceed with it.

Mr. Milner Gibson

Sir GEORGE LEWIS replied, that in consequence of the slow progress of Supply and the necessity of giving the Estimates precedence, and seeing that time would be taken in discussion, and that the Bill could not properly be taken in the morning, he was unable at present to name a time after which the Bill would not be taken.

MUNICIPAL CORPORATIONS BILL.
QUESTION.

Mr. NEWDEGATE said, he wished to ask the Secretary of State for the Home Department, Whether he intends to proceed with the Municipal Corporations Amendment Bill? On the last occasion it came on at a late hour, and there was a general feeling that that was not the time for discussion; he, therefore, hoped it would not be taken so late again.

Sir GEORGE LEWIS said, it was true that the House had last night shown an unwillingness to proceed with the Bill; but two hours later the House thought proper to proceed with other business, and they certainly proceeded in a decided and deliberate manner. He was afraid it would not be in his power to bring the Bill on at a morning sitting, and he certainly could not consent to give it precedence over Supply. Therefore, he must ask the House to take it, as a matter of urgency, late at night.

IRREMOVABLE POOR BILL.
QUESTION.

Mr. HENLEY said, he wished to ask, Whether the President of the Poor Law Board will name a time after which this Bill shall not come on?

Mr. C. P. VILLIERS said, all he could say was that it should not be brought on after two o'clock.

Mr. HENLEY: Before that time I shall move the adjournment of the House.

THE QUEEN'S BIRTHDAY.—QUESTION.

Mr. HENNESSY said, he would beg to inquire, Whether, inasmuch as it has been the invariable practice for thirty-five years for the House of Commons to adjourn over the birthday of the Sovereign, and the Government Offices and the Banks to have a holiday, it was the intention of the Government to persist in their declared intention of not adjourning over to-morrow?

Lord JOHN RUSSELL: It is the intention of Her Majesty's Government not to move an adjournment over to-morrow.

SIR GEORGE LEWIS: There are Orders of private Members of considerable importance which the Government are unwilling to postpone.

NAVY (RESERVED LIST CAPTAINS). RESOLUTION.

MR. BAILLIE COCHRANE said, that he was about to ask the House to refer the case of the Captains placed on the Reserved List by Order of Council in 1851 to the Attorney General for his opinion. He felt it necessary to take this step in consequence of the dissatisfaction felt in the Navy with an answer given on a former occasion by the noble Lord the Secretary to the Admiralty. So strong, indeed, was the feeling that a certain class of officers had been treated with injustice that he felt called upon before the House broke up to ask its opinion. He spoke from what he believed to be well-founded information when he said that the late Attorney General had expressed very strong views as regarded the justice of the claims of those gallant captains, and he had no doubt that the opinion of the present Attorney General would be in their favour. Up to 1851 there was promotion by brevet. In that year it was thought advisable by the Board of Admiralty to put an end to that system. It was naturally thought that a great injustice would be done to the officers of the Navy if there were nothing analogous to promotion by brevet; and so strongly was this felt that permission was given to a certain number of captains to have their names placed, not on the Retired List—and this was the point—but on the Reserved List. The stipulation was that they were in every respect to be considered officers on the Active List, with this difference—that they were not to expect active employment except in case of war; but in all other respects—promotion on to the Admiral's List, scale of payment in regard to Greenwich pensions, and so on—they were to be to all intents and purposes on the Active List. Several of these captains afterwards received Greenwich outpensions, which they could not have done if the view of their position now adopted by the noble Lord were the correct one. After ten years, when they would have been entitled to receive 18*s*. a day half-pay, they heard all of a sudden from the Board of Admiralty that they were not to receive additional pay because they were not on the "Reserved" but on the "Retired" List. The noble Lord the Secretary to the Admiralty had admitted in previous debates that the Order in Council was ambiguously worded, and he added that, "whether these officers thought at the time they were to rise *pari passu* with officers on the Active List was a matter on which he would offer no opinion." But the very question at issue was, "what was the understanding with these officers?" and it would not do to delude them into accepting conditions which were not to be afterwards fulfilled. The noble Lord added, that the Admiralty, "deeming that the Order in Council was rather ambiguously worded, had allowed these officers to count their sea time both as lieutenants and mates." They did not, however, remedy the injustice in a straightforward way, but gave seventy-seven out of ninety-nine a pittance of 1*s*. 6*d*. a day; but the remaining seventeen, who were approaching the rank of Admiral, were left without any remuneration at all. He now asked the House to do justice to these men. He should like to ask the noble Lord whether three or four years ago he was not of opinion that these officers had been most unjustly treated? The noble Lord was not only an active and energetic officer, but who had also been very fortunate in the service, was of another opinion then; but a seat on the Treasury Bench appeared to have changed the noble Lord's feelings and opinions. The noble Lord stated that no great services had been performed by these men; but many of them had performed magnificent services. Take, for instance, a brief summary of the services of Captain John Pearse—

> "M.—Captain John Pearse.—Lord Hotham's action; wrecked; capture of *Nemesis* and *Sardine;* action off Cape St. Vincent; bombardment of Cadiz; Lord Nelson's expedition to Teneriffe; battle of the Nile; capture of Civita Vecchia; bombardment of Alexandria; capture of privateers and gunboats; bombardment and capture of Copenhagen in 1807; numerous captures of privateers and Danish convoy and smuggling vessels; meritorious services in the protection of the revenue. Twice wounded. Active service twenty-three years."

Captain Spencer Smyth's services were also long and distinguished—

> "M.—Captain Spencer Smyth. — Sir Robert Calder's action; battle of Trafalgar; destruction of three French frigates, 1806, and of two French frigates and brig in 1812; capture of *Le Jason* and two French frigates in 1814; operations against Martinique and Guadaloupe; employed in protection of the revenue; battle of Navarino, wounded; inspecting commander of the Coastguard; supplied plan by which battle of Navarino was fought. Active service twenty-five years."

Captain W. N. Taylor was at the bombardment and surrender of Copenhagen in 1807. Captain Robinson was in Sir Richard Strachan's action. Captain Thompson was at St. Jean d'Acre with Sir Sidney Smith, and with the army on shore, under Sir Ralph Abercrombie, in Egypt. Captain John Hills had been forty years in active service. These officers had been induced by the representations of the Admiralty to accept certain terms offered to them in the belief that they would rise to their flags, and would receive increased pay as if they were on active service. The case of these officers had been laid before an eminent Queen's counsel, and he would, with the permission of the House, read the opinion of Mr. Lush, which was such as to induce him to believe that if the noble Lord would refer the question to the new Attorney General, that hon. and learned Gentleman would be in favour of his view. Mr. Lush's opinion was as follows:—

> "I feel some diffidence in offering an opinion upon the construction of the documents in question, as the matter is not one of legal cognizance, the ordinary tribunals of the country having no jurisdiction as between the Admiralty and the officers of the Naval Service. If, however, the Order in Council were embodied in an Act of Parliament, or were the language of a contract between parties, or otherwise were within the province of a Court of law, I should have no hesitation in advising that the claims of the captains on the Reserved List were well founded, and that they would be held entitled to all the advantages belonging to the rank of captain, except the expectation of further employment."

Was it worth while thus to destroy the confidence of the Naval Service in the Admiralty? One by one the Government was taking away from the Navy all the advantages they had formerly enjoyed. This year the increased pay for China and India had been taken away from them. Formerly half the colonial Governorships were given to the Royal Navy, now they had only one or two. He hoped the Admiralty would not add a breach of engagement to the other causes of complaint. He now asked the Government to refer the claims of these captains to the law officers of the Crown, and moved that the case of the captains placed on the Reserved List by Order of Council in 1851 be referred to the Attorney General for his opinion.

ADMIRAL WALCOTT seconded the Motion. He had never held but one opinion, that those officers were entitled to the rank and increase of pay which they claimed, though he had no doubt in his own mind that when the right hon. Baronet the Member for Portsmouth drew up the minute in 1851 it was with the perfect conviction in his mind that it was intended to exclude and did exclude them from these advantages. The right hon. Baronet said so, and no one who knew him would question his veracity. The officers who accepted it were not to receive increase of pay or the rank of Admiral. But still there was an ambiguity in the terms of the minute which had misled these officers, and, therefore, the officers were entitled to the benefit of the doubt. After the statement of his hon. Friend he would not trespass on the time of the House by reciting the gallant actions of these men, neither would he now refer to their advancing years and infirmities; but he would ask the House to recognize, by adopting this Motion, the energy, activity, and fidelity with which they had served their country during the long war. Let it not go abroad that art or science or architecture absorbed all the attention and all the interest of the House, and that they held out a niggard hand to those whose gallantry enabled them now to initiate those ornaments of peace.

SIR JAMES ELPHINSTONE said, he had moved for a Committee in the early period of the Session to investigate the claims of those officers; but that Committee had never yet been able to meet, and as there was no chance of their now concluding their labours this Session, and as many of those officers were between seventy and eighty years of age, and their commissions would so soon drop in in the natural course of events, he thought it very reasonable that the noble Lord should agree to the Motion of his hon. Friend, and refer the question to the Attorney General for his opinion. The Admiralty said it never was their intention that the officers who accepted these terms should rise in the profession. But these gentlemen themselves thought otherwise—they never had a doubt upon the subject—but they learned to their horror and astonishment, when their time for promotion came, that the Admiralty entertained a different opinion. They then referred the case to an eminent counsel, whose opinion had been read by his hon. and learned Friend. He urged the claims of those officers, because it was the spirit of their legislation to give the benefit of a doubt in the claimant's favour. But there was, he thought, more than a doubt in their favour. Let any man read the minute of the Admiralty, and if he did not come to the same conclusion with Mr. Lush he would give up the case. How the Admiralty could suppose that the officers would shut themselves out from every other advantage than that of active employment was to him an extraordinary thing. Here they were about to pass an Act of Parliament to bring masters and mates of the mercantile marine into the Royal Navy, and these men would not with this case before them trust the professions of the Admiralty; no man among them would believe a word that was said without first taking the opinion of counsel. He believed that an extra £2 or £3 a day was all that was required to do justice to these officers. He hoped the House would agree to the Motion of his hon. Friend, and he thought even the Admiralty could not object to refer the case to their own Attorney General.

LORD CLARENCE PAGET said, that the hon. Member had given the best possible reason for not referring this question to the law officer of the Crown, when he read the opinion of the learned gentleman to whom the question had already been referred, and who stated that it was not matter for legal cognizance. He thought, too, that the hon. Member must, on reflection, see that it would be very unadvisable that Her Majesty's Order in Council should be referred for the purpose of having a legal opinion taken on it. The hon. Member was incorrect in his allusion to what had taken place on a former occasion, for he really had not said that the Order in Council of 1851 was ambiguous, but only that in the opinion of these officers it admitted of doubt, and that they claimed the benefit of the doubt. But he never stated in that House that the view which the officers took of their case was correct. The right hon. Baronet the Member for Portsmouth (Sir Francis Baring) had over and over again stated that the intention of the Admiralty of that day was that these Reserved officers should not rise *pari passu* with the officers on the Active List; and he rested on what that right hon. Gentleman had declared that it was not the intention, and could not possibly be the intention, of the Admiralty to place these Reserved officers on the same footing as officers on the Active List. Any one would see in a minute that it would be fatal to the service to allow officers to accept the Reserved List, and never being called on to go to sea, to have all the benefits of the officers on the Active List. He would not enter into the case further than to say that a very large proportion of the officers of the Reserved List had benefited by the arrangement made by the Admiralty, under which those who had served long and faithfully had got an increase of pay. As the general question of the retirement and promotion of officers in the Navy would come under the consideration of the Select Committee now sitting on the Board of Admiralty, and as the case of the Reserved officers would, no doubt, be also taken into consideration, he trusted that the hon. Member would not press his Motion to a division.

Motion made, and Question put,

"That the case of the Captains placed on the Reserved List by Order of Council in 1851 be referred to Mr. Attorney General for his opinion."

The House *divided*:—Ayes 33; Noes 60: Majority 27.

NOTICES OF MOTION—RULES OF THE HOUSE.

MR. HENNESSY desired to know whether he might be allowed to propose a Motion, of which he had given Notice, for the adjournment of the House on its rising over to-morrow, when the Queen's birthday was to be kept?

MR. SPEAKER said, the Notice was only given a few minutes before the rising of the House at four o'clock that afternoon; and that was, in point of fact, no notice at all. The rule of the House for the last forty years had been that one day's Notice of a Motion was required; indeed, Mr. Speaker Abbott had declared, that he considered Notice to be an established rule of the House in his day, which it would be his duty to maintain until he should be otherwise directed by the House. He (the Speaker) considered it his duty to maintain a rule supported by uninterrupted usage from that time, and to inform the hon. Member that it would not be in order for him to propose the Motion, of which no sufficient Notice had been given.

COUNTY VOTERS (SCOTLAND) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 23 (Time of holding the Registration Courts), MR. BLACKBURN suggested that as the list of claims would be made up to and published on the 14th October, no list should be revised earlier than the 15th October, but after some discussion the clause was, without Amendment, agreed to.

Clause *agreed to*, as were also Clauses 24 to 32 inclusive.

Clause 33 (Register, signed by Sheriff Clerk, to be the Register of Voters),

SIR JAMES FERGUSSON moved an addition to the clause, to the effect that no person whose name should appear on the register of any county should be entitled to vote in the election of Members if he should have become divested of and ceased to hold that qualification in respect of which he was registered.

THE LORD ADVOCATE objected to the proviso, believing that it would be wholly unnecessary. The person whose name would be on the roll would vote in respect of the rates which he would have to pay.

SIR JAMES FERGUSSON submitted that the voter ought to be entitled to the franchise in respect of the possession, and not because he paid rates and taxes.

SIR EDWARD COLEBROOKE said, the principle of this Bill had been in force in Scotland for several years in boroughs, and he saw no reason why it should not be applied to the counties.

Clause *agreed to*, as were also Clauses 34 to 41, inclusive.

Clause 42 (Expenses of Annual Registrations, how to be defrayed),

SIR JAMES FERGUSSON moved the omission of the clause.

Motion made, and Question put, "That Clause 42 stand part of the Bill."

The Committee *divided*:—Ayes 52; Noes 16: Majority 36.

House *resumed*.

Bill *reported;* as amended, to be considered on *Thursday*.

QUEENSLAND GOVERNMENT BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 *agreed to*.

Clause 2 (Power to annex to existing Colonies Territories now Part of New South Wales),

MR. MARSH moved, as an Amendment to Clause 2, to insert after the word "aforesaid," in line 23, the words "to erect into a separate colony or colonies, or." The object of this Amendment was to give the Government the power to alter the existing boundaries, so as to form those colonies into smaller communities. The territory in question was larger than France and England united, yet there was scarcely such a thing as a local Government in its limits. Everything was done by the central Government at Sydney, who were landlords over nearly the whole of the soil. They owned 47,104,000 acres, the occupants of which were not merely tenants at will but tenants on sufferance. Jobbery was, consequently, enormous. All the situations, from the highest officers of the State down to the telegraph clerk and the railway porter, were filled by the Government. Members played into each other's hands, "You help my church, and I will aid your road." Precisely the same thing prevailed in America, where it was known as "log-rolling," from the circumstance of neighbours assisting each other in the raising of their dwellings. The immense extent of the business of the Legislature rendered long sittings necessary—in fact it was all but perpetual; they lasted nearly all the year round. The form of Government was strict democracy. Vote by ballot, universal suffrage, and nearly equal electoral districts, were not tempered by any of those legitimate influences which were so necessary even in this kingdom—such as kindness from employer to employed, generosity from landlord to tenant. This democracy seemed to have a sort of unnatural spite against property. Communism prevailed there. Emigrants sent out at the public expense thought they had a claim on the Government for maintenance, and works had even been set on foot for the sole purpose of giving them employment—much after the manner of Louis Blanc's *ateliers nationaux*. He had known the colony for fifteen years, during which time he had never seen a beggar. Now the people themselves stated that they were in a starving condition, and actual beggars were to be met with. The number of sheep, which in 1855 was 8,602,499, had diminished in 1858 to 6,662,671. No cause could be assigned for the existing evils but bad government. Severing the colony into smaller communities would be a remedy for some of them. It would diminish the mischief arising from the non-attendance of Members from the distant constituencies. Small democracies were always better than large ones. The corporations of England had proved most useful. In Switzerland some of the cantons were extremely democratic; but the Governments were effective and met the public wants. The moment, however, democracy was tried in France on a large scale, it broke down. He would not say anything of America at the present moment, for he believed he should best consult the wishes of the House by refraining from doing so. Separation had already taken place in the colonies of Australia, Van Diemen's Land and New Zealand formerly belonged to it. Now both are separate colonies, and in the case of Victoria and Queensland separation had been perfectly successful.

MR. CHICHESTER FORTESCUE said, that the Bill was one of a very practical and modest character, intended to meet certain wants experienced in the Australian Colonies, but his hon. Friend would give a much more extensive character to the measure. In the opinion of the Colonial Secretary, however, sufficient reasons were not given for adopting the proposition. The Amendment had reference to the part of the Bill which enabled the Crown to erect into new colonies or annex to existing colonies regions still uninhabited and unorganized. His hon. Friend proposed that the Crown should have power to redistribute existing colonies, which so far from being uninhabited, unorganized, and ungoverned, were already partitioned out and occupied by great communities possessing independent representative Legislatures. His hon. Friend wished to confer on the Crown a general power of withdrawing from any of these Colonies a district forming part of it, and to erect it into a new colony, or to attach it to another colony. But this power had not been asked for by the Governments or by any body of the people in the Australian colonies. Under these circumstances Her Majesty's Government thought it was far safer to leave things as they were, and to deal on its own merits with any case of the kind that might arise hereafter. The difference between the proposal in the Bill and that of his hon. Friend was this, that if his hon. Friend's Amendment were adopted the Secretary of the Colonies would have power to detach any portions of these territories from one colony for the purpose of attaching them to another; whereas as the Bill stood he would be obliged to ask Parliament for any such power. He thought it better not make divorce in this matter, as in unions of another kind, too easy, and not to hold out temptation to particular districts of a colony which might have causes of complaint against their Government, to look to separation as the remedy for such complaints.

MR. CHILDERS said, that if the Amendment were adopted, the central Government of any of the colonies affected by it would see that the Secretary of State would have power, without going to Parliament, to erect a new colony or attach any of the districts to another colony, and would, consequently, be compelled to do justice to these districts through an apprehension that such power would be exercised.

MR. MARSH said, the power he proposed to confer had been already asked for, and petitions had been adopted in favour of the proposal. He did not propose by the Amendment to separate the colonies at once, but only proposed to confer a power on the Crown which would enable those colonies to effect a separation when such a course was considered necessary.

Amendment *negatived;* Clause *agreed to.*

Remaining Clauses *agreed to.*

House *resumed.*

Bill *reported,* without Amendment; to be read 3° on *Thursday.*

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee (Supply) read.

House in Committee.

Mr. MASSEY in the Chair.

(In the Committee.)

The following Votes were *agreed to:*—

(1.) £63,357, Mint.

(2.) £16,305, to complete the sum for Inspectors of Factories, &c.

(3.) £6,284, Queen's and Lord Treasurer's Remembrancer, &c. (Scotland).

MR. W. WILLIAMS objected to the items charged to the Caledonian Hunt and the Queen's Edinburgh Plate.

Vote *agreed to.*

(4.) £6,431, Household of the Lord Lieutenant (Ireland).

MR. W. WILLIAMS could not understand what the Lord Lieutenant, who was not a military man, wanted with "four Aides-de-camp," or with "two gentlemen at large." Some explanation ought also to be given of the charge for the Master of the Horse and the Sergeant of the Riding School. He also found that fifteen Queen's Plates to be run for in Ireland amounted to £1,574, and he wished to know why the country should be taxed with such a charge?

Mr. VANCE did not understand why the hon. Member made an annual attack on the Lord Lieutenant's Household. He ventured to say that for one sinecure office of State and dignity in this list there were at least a thousand attached to the Royal Household which never came under the observation of the Committee, and he thought it would be advisable to place those Irish offices on the Consolidated Fund, together with the offices connected with the English Court. The Prince of Wales had recently gone to Ireland, which country was also to be honoured shortly by the presence of Her Majesty, and this was not the time to reduce these offices, which were necessary for receiving the Queen with due state and dignity.

Mr. W. WILLIAMS said, that the Queen of England was also Queen of Ireland, and it would be better for the people of the latter country to be content to be governed by the Queen of Ireland rather than by the sham Royalty of the Lord Lieutenant. There was no such office as "Gentleman at large" in the Queen's Household, and there were many others in the Lord Lieutenant's Household equally unnecessary and inexplicable.

Mr. WHITE hoped that an early opportunity would be taken to obtain the opinion of the House on the expediency of abolishing the office of Lord Lieutenant altogether, but as long as it was kept up there was no use quibbling over the expense of his attendants. As the hon. Member for Lambeth had evinced some curiosity to know what the "two Gentlemen at large" had to do, he could inform the hon. Member that he had learned from a friend of one of them that their duty was to water the camelias of the wife of the Lord Lieutenant, and to attend to two or three State balls.

Mr. VANCE observed that as there was at present no Lady Lieutenant the watering of the camelias could not be the business of the "Gentlemen at large."

Vote *agreed to.*

(5.) £10,339, Chief Secretary to Lord Lieutenant.

Mr. W. WILLIAMS objected to the allowance of £425 per annum to the Chief Secretary, and of £375 to the Under Secretary, for fuel. He thought it a very objectionable way of adding to the salary of a Minister of State. He did not object to the salaries received by the Secretary and Under Secretary.

Mr. CARDWELL explained that the allowance referred to was made not only for fuel but for several items of expense which used to be defrayed by the Chief Secretary and the Under Secretary before their salaries were reduced. The salary of Chief Secretary had been reduced from £7,000 a year to £4,000.

Vote *agreed to;* as was also

(6.) £2,508, to complete the sum for Lunatic Asylums (Ireland).

(7.) £21,570, to complete the sum for the Board of Public Works (Ireland).

Mr. W. WILLIAMS observed that there was an increase of £1,000 over the Vote of last year.

Mr. PEEL explained that certain duties heretofore performed by the Paymaster of Civil Services in Ireland had been transferred to the Board of Public Works, and that occasioned an additional charge.

Mr. VANCE said, that the clerks transferred from the Paymaster's Office to the Board of Public Works had suffered some hardship. In the Paymaster's Office they had the opportunity of rising to certain salaries, and of this opportunity they were now deprived by the regulations of the office of Public Works.

Vote *agreed to;* as was also

(8.) £33,092, Audit Office.

(9.) £17,029, to complete the sum for the Copyhold, Inclosure, and Tithe Commission.

Mr. W. WILLIAMS said, he thought that the duties of the Tithe Commissioners must have long since ceased, and he was of opinion that the expenses of the Copyhold Commission ought to be paid by those who benefited from their labours.

Sir GEORGE LEWIS said, a portion of the expenses of the Copyhold Commissioners was defrayed by the parties interested, and the Vote now proposed was for such portion as was not so defrayed.

Mr. HENNESSY wished to know why there was an item of £11 6*s.* for newspapers and railway guides, which did not appear in connection with any other office?

Mr. PEEL explained that the charge had reference to advertisements. Papers were certainly not purchased for the clerks to read.

Vote *agreed to.*

(10.) £12,190, Imprest Expenses under Inclosure and Drainage Acts.

MR. W. WILLIAMS objected to the largeness of the charge.

MR. PEEL said, that the whole of the money would be repaid to the Exchequer.

Vote *agreed to,* as were also the following:—

(11.) £47,163, General Register Offices in London, Dublin and Edinburgh.

(12.) £10,482, to complete the sum for the National Debt Office.

(13.) £3,120, to complete the sum for Public Works Loan and West India Islands Relief Commissions.

(14.) £6,975, Commissioners in Lunacy.

(15.) Motion made, and Question proposed,

"That a sum, not exceeding £1,223, be granted to Her Majesty, to defray the Salaries and Expenses of the General Superintendent of County Roads in South Wales, to the 31st day of March, 1862."

MR. HENNESSY said, in Ireland they paid their own Superintendent, and moved that the charge for the Superintendent be omitted.

Motion made, and Question proposed,

"That a sum, not exceeding £239, be granted to Her Majesty, to defray the Salary and Expenses of the General Superintendent of County Roads in South Wales, to the 31st day of March, 1862."

MR. PEEL explained that these roads owed a debt to the Government, and that the Superintendent was appointed by the Government to see that the roads were so managed that the money should be repaid.

MR. H. A. BRUCE and MR. PHILIPPS bore testimony to the excellence of the system that was now practised under the surveyor.

MR. HENNESSY wished to know what was the amount of the debt?

SIR GEORGE LEWIS said, that owing to the "Rebecca riots" which had some years ago taken place in South Wales, in consequence of the system of turnpikes then prevailing there, a re-adjustment of the system had been effected, and arrangements made by which the money advanced for the purpose by the Exchequer Loan Commissioners, which amounted to £250,000, was made re-payable in the shape of a terminable annuity. It was quite obvious, therefore, that the public had an interest in the matter, and it was under those circumstances deemed desirable that a small salary should be paid to a competent Superintendent, whose duty it was to see that the money was duly repaid.

MR. AUGUSTUS SMITH asked what was the amount of the debt which remained to be paid?

SIR GEORGE LEWIS could not answer the question offhand, but the hon. Gentleman would find all the particulars in the library.

MR. PHILIPPS stated that in fourteen years from the present time the whole of the debt would be paid up.

MR. PEEL said, that a sum of about £11,000 was paid annually.

MR. HENNESSY complained that, for a sum of £11,000 per annum, the country should be called upon to pay £12,000.

Amendment, by leave, *withdrawn;* Vote *agreed to.*

The following Votes were then *agreed to:*—

(16.) £2,273, Registrars of Friendly Societies.

(17.) £14,398, to complete the sum for the Charity Commission.

(18.) £5,055, Local Government Act Office.

(19.) £1,192, Agricultural and Emigration Statistics (Ireland).

(20.) £1,113, to complete the sum for the Landed Estates Record Office (Dublin).

(21.) £1,644, Quarantine Expenses.

(22.) Motion made, and Question proposed,

"That a sum, not exceeding £32,000, be granted to Her Majesty, to defray the Charge of Her Majesty's Foreign and other Secret Services, to the 31st day of March, 1862."

MR. HENNESSY remarked that last year the House voted an equal sum for the same object, and as up to the 31st of December only £23 had been expended by the Government, he wished to know why they now asked for £32,000 more?

MR. PEEL stated that although only £23 had been expended at the end of the year, the balance on hand at the beginning of the present month did not exceed £8,500.

MR. AUGUSTUS SMITH thought the Vote was excessive, and moved its reduction by £20,000.

VISCOUNT PALMERSTON hoped the hon. Member would not press his Amendment. Most of the claims upon the fund arose after the 31st of December. They consisted mainly of pensions for services performed in past times.

MR. AUGUSTUS SMITH reminded the Committee that in the Civil List there was a further sum of £10,000 for Secret Service, so that the whole amount placed at the disposal of the Government was very large. He would withdraw his previous Amendment, substituting another for the reduction of the Vote by £10,000.

Mr. W. WILLIAMS suggested that the pensions paid to spies should be distinguished from the other charges upon the fund.

Viscount PALMERSTON said, it was of course impossible to give an explanation of the manner in which the Secret Service money was applied. He hoped the Committee would not be put to the trouble of a division.

Motion made, and Question,

"That a sum, not exceeding £22,000, be granted to Her Majesty to defray the Charge of Her Majesty's Foreign and other Secret Services, to the 31st day of March, 1862."

Put, and *negatived.*

Original Question put, and *agreed to.*

(23.) Motion made, and Question proposed,

"That a sum, not exceeding £266,218, be granted to Her Majesty, to complete the sum necessary to defray the Expense of Stationery, Printing, and Binding, for the several Public Departments, and for Printing, &c. for the two Houses of Parliament, including the Expense of the Stationery Office, to the 31st day of March, 1862."

Mr. PEASE expressed an opinion that a searching inquiry ought to be instituted with a view to see whether some reduction might not be effected in this Vote.

Sir GEORGE LEWIS could only say in general terms that the Comptroller of the Stationery Office was well skilled in the business of his department, and was very attentive to all matters which were likely to reduce the expense of providing the public offices with stationery. The great expenses of the Stationery Department arose from the printing for the Houses of Parliament, and that was a matter which depended far more upon the discretion of hon. Members than upon the Comptroller of the Stationery Office. It was occasionally the duty of Members of the Executive Government to remonstrate against very voluminous returns which were moved for to suit the tastes or wishes of individual Members, but which contained very little information of a generally interesting character. Upon that matter the House itself was quite competent to form a judgment, and it was only by an exercise of the discretion of hon. Members that this large item of expense could be kept within moderate limits. During the last two Sessions the practice had been introduced of printing the evidence taken before Committees in double columns and in small type. That change had been made at the suggestion of the Comptroller of the Stationery Office, and it had tended to considerable economy. He might also state that the Executive Government sought, as far as it could, to diminish the bulk of the appendices to the Reports of Commissions, but after those Reports had been presented it often happened that Motions were made in that House for the production of supplementary papers which the Commissioners had omitted from their appendix. There was consequently great difficulty in the Government keeping this item of printing within moderate bounds.

Mr. AUGUSTUS SMITH denied that the enormous amount of this Vote was mainly attributable to the Houses of Parliament. The charge for the War Department alone was £69,000; for the Admiralty, £24,000; Inland Revenue, £40,000; Post Office, £38,000; Patent Office, £24,000; while the increase in the whole amounted to £69,000. They ought to have some explanation of the grounds of that increase.

Mr. PEEL observed that if the hon. Gentleman would take the trouble to read the explanatory note of Mr. M'Culloch, Comptroller of the Stationery Department—a very rigid economist—he would see that the increase of charge for the War Department was not so great as might have been expected from the extraordinary development of that branch of the public service.

Sir JOHN TRELAWNY thought the Executive Government should themselves decide what ought to be printed and what not, and not throw the reproach or responsibility on private Members.

Mr. FREELAND took the liberty of suggesting that if Members who moved for Returns communicated with the department as to the form in which they should be made out, taking extracts instead of documents *in extenso*, both bulk and expense would be materially diminished.

Mr. W. WILLIAMS thought there was a great deal of unnecessary printing for the House. He had, himself, moved lately for two Returns which he had copied in the library, thinking they would not be generally useful, and had paid for the copying of them. He thought there was one item in this Estimate which was very objectionable, and without explanation he should vote against it. He referred to the sum of £1,550 for the Ecclesiastical Department.

Mr. M'MAHON suggested that there should be only one uniform edition of the Statutes or, at most two, instead of three, as at present.

Mr. BLACK complimented Mr. M'Culloch, the Comptroller of the Stationery Department, as one of the most efficient public servants to be found in any Department. If his advice were always followed this Vote would be considerably reduced. But for his economical exertions, the Vote instead of £416,218 would be £500,000 or more. Upon the recommendation of that gentleman he had placed a notice on the paper for commuting the allowance of penknives and pencils to clerks into a small money payment. He could not exactly state what the saving would be, but he considered it an important measure of administrative reform. He should propose, just to try the question, to reduce the Vote by £218.

Sir FREDERIC SMITH thought there was one Return the Government ought to give—namely, the amount of printing occasioned by particular Members, with their names. The printing for both Houses of Parliament cost only £84,000, while that for the Government offices cost £114,000.

Mr. W. WILLIAMS moved that the Vote should be reduced by £1,550 charged for the Ecclesiastical Department.

Whereupon Motion made, and Question,

> "That the item of £1,550, for Ecclesiastical Departments, be omitted from the proposed Vote,"

Put, and *negatived.*

Original Question again proposed.

Mr. BLACK moved the reduction of the Vote by £218 for small articles of stationery supplied to the clerks in Government Offices.

Sir JOHN TRELAWNY thought that a saving might be effected by diminishing the bulk of the Votes of that House, and not supplying Members with blue books which they never read.

Mr. BARROW, said that the expense of printing for that House was unnecessarily increased by putting Bills on the paper on a day on which they could not come on, and thus rendering necessary the printing of Amendments.

Mr. PEEL said, that the hon. Member for Edinburgh had made out no case for the reduction which he proposed.

Mr. BLACK had rested himself upon the authority of the Controller of the Stationery Office.

Motion made, and Question,

> "That a sum, not exceeding £266,000, be granted to Her Majesty, to complete the sum necessary to defray the Expense of Stationery, Printing, and Binding, for the several Public Departments, and for Printing, &c. for the two Houses of Parliament, including the Expense of the Stationery Office, to the 31st day of March, 1862."

Put, and *negatived.*

Sir HENRY WILLOUGHBY said, that great injustice was done to Parliament by the way in which the matter was treated that night as well as on other occasions. The amount for Parliamentary printing was not one-fifth of the whole. Hon. Members should be too wise to run at small matters when there were such glaring abuses to be looked after. That valuable public servant, Mr. M'Culloch, said that there was a want of control over this expenditure, and obviously he had no control. The question was who had? The War Department spent £70,000 in printing, the Admiralty £24,000, and the Patent Office nearly the same amount. [Sir George Lewis: It is all repaid.] He wished to know who had the check or control over the printing of the various departments? Take for instance the calendering of wills, who authorized the printing of the 250 copies, which cost between £4,000 or £5,000? That was the way those sums rose to the enormous figure of £416,000. Who were responsible for the papers which were said to come there "by command?" He would undertake to say that since he entered the House no waggon would be able to carry away the papers that had been presented on the slave trade.

Mr. PEEL said, as regarded the item for the calendering of wills, it was Parliament that was chiefly responsible, because the 20 & 21 *Vict.* required that a calender of all the grants of probate and administration should be annually printed.

Mr. AUGUSTUS SMITH said, that he found for the War Office not only £9,000 of increase, but subsequently amongst sums, to make up deficiencies of former Estimates, £10,000 more, so that there was an actual addition of £19,000 for the War Office. He wanted to know whether that increase had arisen from the action of that House and not of the particular Department? He believed that the Stationery Office was admirably managed, but the fact was the House had no control over the Departments which made the expenditure. That rested with the Treasury, which, unfortunately, did not keep strict watch in this matter.

VISCOUNT PALMERSTON said, that it was quite impossible that the head of the Stationery Office should control the expenditure of stationery or of the amount of printing, because that was connected with the amount of business. It was very true there had been a great increase in the printing of the War Office; but though there was an actual increase of charge, yet there was a great economy as compared with what would be the increase if writing were substituted for printing. There were a vast number of circulars and Returns which it was far cheaper to print than to copy in writing. He must say that everybody in that House must have discovered that a large amount of Returns were moved for which were really unnecessary. Nothing was more common than this. A Member had got a particular case of some claim on the part of some individual in some branch of the service which, in his opinion, had not been duly attended to, or some hardship which had been inflicted, and in order to bring that case before the House the Member called for Returns of very large range, embracing a large number of matters that had no reference to the particular case. Well, it was said that the Government ought to check that. But it often happened that they did object, and then it was said that the Returns ought to be granted unless there were some good reasons against it; and then up started hon. Members, saying that there must be something behind, some job, or some abuse which the Government wanted to conceal, and the Government were obliged to give the Returns in order to avoid misrepresentation. But if hon. Gentlemen would follow the example of his hon. Friend the Member for Lambeth (Mr. Williams), who had obtained the information which he wanted without putting the public to expense, there would be some diminution of the cost, though but a slight one.

SIR HENRY WILLOUGHBY said, that, with respect to the calendaring of wills, the right hon. Gentleman endeavoured to throw it upon the statute book, but it clearly appeared that it was by Treasury letters that a vast amount of the expense was incurred. Who ordered the back papers of 1856 and 1857, which had added largely to the expense? It was by a Treasury letter. He hoped, then, some explanation would be given whether there was any control over the Departments, or might they spend what they liked?

LORD ALFRED CHURCHILL suggested, that in future Sessions of Parliament there should be a Printing Committee, which should have power to question Members of Parliament as to the reason why the papers they were about to move for were required.

MR. NEWDEGATE thought that there might be very great improvements in the way in which Returns were furnished by the Board of Trade, and that great economy might be effected if they took a leaf from the practice of the Senate of the United States. There they had certain annual Returns affording information to every Member with respect to matters likely to come before the House, and they were presented at the commencement of the Session. If we had our Returns presented at the same period, it would prevent many Motions for Returns by private Members. As to local taxation, which amounted annually to £16,000,000, they would not have the Return for three weeks to come, and there was, in fact, scarcely one of the annual Returns which was presented at the commencement of the Session.

MR. BLACK suggested, that blue books might be printed in smaller type and in double columns, as this would save much expense.

Vote *agreed to;* as were also the following Votes:—

Original Question put, and *agreed to.*

(24.) £100,148, Postage (Public Service).

(25.) £32,395, Law Charges.

(26.) £147,000, to complete the sum for Prosecutions at Assizes and Quarter Sessions.

(27.) £224,575, Police, Counties and Boroughs.

(28.) £3,020, Crown Office, Queen's Bench.

(29.) £7,950, to complete the sum for the Admiralty Court, Dublin.

(30.) £6,176, Insolvent Debtors' Court.

(31.) £55,980, to complete the sum for the Court of Probate, &c.

(32.) £140,320, to complete the sum for the County Courts.

(33.) £15,355, to complete the sum for the Police Courts (Metropolis).

(34.) £101,204, to complete the sum for the Metropolitan Police.

(35.) £3,500, Queen's Prison.

(36.) £17,850, Revising Barristers (England and Wales).

(37.) £2,342, to complete the sum for the Lord Advocate and Solicitor General (Scotland).

(38.) £14,713, to complete the sum for the Court of Session (Scotland).

(39.) £8,071, to complete the sum for the Court of Justiciary (Scotland).

(40.) £4,000, Criminal Prosecutions (Scotland).

(41.) £1,620, Exchequer (Scotland).

(42.) £25,000, Sheriffs and Procurators Fiscal, &c. (Scotland).

(43.) £13,935, to complete the sum for the Procurators Fiscal Salaries (Scotland).

(44.) £11,730, Sheriff Clerks (Scotland).

(45.) £2,200, Tithes, &c. (Scotland).

(46.) £14,457, to complete the sum for the General Register House (Edinburgh).

(47.) £1,025, to complete the sum for the Commissary Clerk (Edinburgh).

(48.) £1,528, Accountant in Bankruptcy (Scotland).

(49.) £51,634, to complete the sum for Law Charges (Ireland).

(50.) £2,363, to complete the sum for the Court of Chancery (Ireland).

(51.) £18,851, Court of Queen's Bench, Common Pleas, and Exchequer (Ireland).

(52.) £3,932, to complete the sum for the Registrars to Judges, &c. (Ireland).

(53.) £4,000, Manor Courts (Ireland).

(54.) £2,319, Registration of Judgments (Ireland).

(55.) £300, High Court of Delegates.

(56.) £5,888, to complete the sum for the Court of Bankruptcy and Insolvency (Ireland).

(57.) £5,380, to complete the sum for the Court of Probate (Ireland).

(58.) £11,311, Landed Estates Court (Ireland).

(59.) £1,253, to complete the sum for the Consolidated Office of Writs.

(60.) £450, Dublin Revising Barristers.

MR. VANCE asked the Chief Secretary for Ireland, whether it was intended to make any change with regard to the remuneration of Revising Barristers?

MR. CARDWELL thought that a judicial officer should be paid by a fixed salary provided by Act of Parliament rather than by fee. He, therefore, proposed to ask the House for leave to introduce a Bill providing that the revising barristers of Dublin should receive a salary of 200 guineas, which was about equal to the amount they received by fees.

Vote *agreed to;* as was also the following:—

(61.) £26,051, to complete the sum for Police Justices, Dublin.

(62.) Motion made, and Question proposed,

"That a sum, not exceeding £571,947, be granted to Her Majesty, to complete the sum necessary to defray the Expense of the Constabulary Force in Ireland, to the 31st day of March, 1862."

MR. CHILDERS moved the omission of the item of £3,400 for postage and stationery. These expenses were provided for in other parts of the Estimate.

Motion made, and Question put,

"That the item of £3,400, for Postage and Stationery, be omitted from the proposed Vote."

The Committee *divided:*—Ayes 44; Noes 76: Majority 32.

Original Question put, and *agreed to.*

MR. AUGUSTUS SMITH moved that the Chairman should report Progress, for the purpose of enabling him to remark upon the division that had just taken place. The objection to the item of postage and stationery in the previous Vote was simply this, that it had been already voted at a previous part of the evening, and, therefore, the last was a double Vote of the very identical sums for postage and stationery.

MR. CARDWELL had no doubt that the item was correctly included in the present Estimate. It was exactly the same sum as was voted last year for the same purpose. What was comprised in the item mentioned in the Stationery Office Estimate he did not know, but inquiry should be made before the Report, and if it were found that any portion of the expenditure was voted both on account of the Stationery Office and of the Department the matter should be set right on the Report.

COLONEL SYKES reminded the right hon. Gentleman that the same sum might have been doubly voted last year.

MR. W. WILLIAMS hoped that his hon. Friend would persevere in his Amendment that the Chairman report Progress. It was no use proceeding with the Votes wholesale, as it was utterly impossible for hon. Members to keep pace with the rapid way in which they were being hurried through the House.

Motion, by leave, *withdrawn.*

The following Votes were then *agreed to:*

(63.) £2,717, Four Courts Marshalsea Prison (Dublin),

(64.) £17,695, Inspection, &c., of Prisons.

(65.) £306,879, to complete the sum for Prisons and Convict Establishment.

Mr. PEEL said, that since this Estimate was prepared he had read the Report of the Committee of this House on Transportation, and had communicated with the Directors of convict prisons in this country and in Ireland, with the view of seeing whether some reduction might not be made. The Estimate was for 8,100 convicts at present in England, and the average daily number of the last two years had been 7,350. It had always been the practice to allow for a considerable numerical margin. But, as he was informed that the number of persons sentenced to penal servitude was steadily decreasing, it was unnecessary to retain this marginal allowance. He, therefore, proposed to reduce the Estimates for English prisons by the sum of £15,000, and that for prisons in Ireland by £7,000, making in all a reduction of £22,000.

Mr. CHILDERS said, the House owed much to the Government, and his hon. Friend who represented them, for the just and equitable manner in which they had come forward to make this deduction. It afforded a striking instance of the beneficial results in an economical point of view which followed from the well-directed labours of a Select Committee.

Sir GEORGE LEWIS acknowledged the meritorious exertions made by the Select Committee; but said the House must not be led away by the idea that a saving had been effected. A diminution in the margin had taken place, but the expenditure which was limited to the actual cost of the prisons would remain exactly the same.

Vote *agreed to.*

(66.) £191,976, to complete the sum for the Maintenance of Prisoners, &c.

Mr. PEEL said, a sum of £14,000 had been hitherto paid for the expense of maintaining convicts in county gaols. Of the 520 cells which they rented, a large proportion could now be dispensed with, and he, therefore, proposed to reduce that item by £2,000.

Mr. BUTT said, the cost of prisoners under sentence for felony and misdemeanour in Irish county gaols for the year ending the 31st of March, 1861, was £22,500. In the present year it was only £9,000; and he wished to know to what cause it's great decrease was to be attributed?

Mr. CARDWELL said, the decrease of crime in Ireland was very satisfactory; but the disparity in the figures was attributable to the fact that the sum taken in the former estimate was meant to cover two years, while the item in the present Vote dealt but with one year.

Vote *agreed to.*

(67.) Motion made, and Question proposed,

> "That a sum, not exceeding £15,776, be granted to Her Majesty, to defray Expenses connected with the Transportation of Convicts, &c. to the 31st day of March, 1862."

Mr. CHILDERS proposed to reduce the Vote by £6,000. He thought it better to abandon transportation altogether; but the majority of the Committee of the present Session, of which he was a Member, acted on the advice of Mr. Waddington, the Under Secretary of State for the Home Department, who thought it would be safer to continue a very small amount of transportation in respect to the worst men, and that out of the 500 or 600 men every year sentenced to transportation a ship load might be advantageously sent abroad, and could be profitably employed in Western Australia, where they would be gladly received. We had a great convict establishment at Bermuda, where the convicts were employed in the construction of public works to strengthen the fortifications; another at Gibraltar, where the employment was the same; and a third in Western Australia. With the number of convicts discharged every year there would not be enough to keep up these three convict establishments. The Committee, therefore, recommended that for the present the convicts transported should be sent to Western Australia only. He proposed to the Committee to carry out the views of Mr. Waddington and the majority of the Committe; and he, therefore, moved to reduce the Vote by £6,000, so as to provide only for the 250 transports recommended by Mr. Waddington to be sent abroad. The number included in the Estimate was 750.

Mr. PEEL said, it was now under the consideration of the Government whether any more convicts would be sent to Bermuda. It was probable that none might be sent there this year; but he believed that if there were any change it would be only in the distribution of the convicts, for Sir Joshua Jebb had assured him that he thought 750 convicts would be transported this year. Under those circumstances he could not consent to a reduction of the Vote.

LORD ALFRED CHURCHILL entirely agreed with the hon. Gentleman who had proposed the reduction of the Vote. As there was unused accommodation in the prisons at home for a great number of convicts, he did not see why the expensive system of transportation should be continued.

Motion made, and Question put,

"That a sum, not exceeding £9,776, be granted to Her Majesty, to defray Expenses connected with the Transportation of Convicts, &c. to the 31st day of March, 1862."

The Committee *divided:*—Ayes 26; Noes 102: Majority 76.

MR. CONINGHAM wished to put a question to the Home Secretary in reference to the repeated and frightful outbreaks of mutiny at the convict stations. Did it arise from mismanagement, or was Sir Joshua Jebb an incompetent officer?

SIR GEORGE LEWIS did not admit that the outbreaks at Chatham, Portland, and Portsmouth had been frequent or frightful. No doubt some time since there was a formidable riot at Chatham, and there had also been a few escapes from Portland and Portsmouth, but there had been nothing that deserved the description of a general outbreak or mutiny. The mutiny of the convicts at Chatham had been carefully investigated; but it was very difficult to ascertain precisely the causes and origin of outbreaks of this sort. It was not easy to say what were the precise causes of the Indian mutiny. The outbreak at Chatham had been attributed to some laxity of discipline and deficiencies on the part of subordinate officers transferred to the establishment from the hulks —a portion of the prisoners came from the hulks also; but the mutiny was speedily put down. There was no loss of life. Some corporal punishment was necessarily inflicted on the ringleaders; but, all things considered, the outbreak was suppressed with as little difficulty as could be expected under the circumstances. He believed the convict system of England was a very good one, founded on sound principles, and administered with great care. He had the greatest confidence in the judgment of Sir Joshua Jebb and his colleagues, and, without disputing the justices of the praises bestowed on the Irish system and its superintendents, he doubted whether any portion of it could be advantageously transferred to the system adopted in England.

MR. CONINGHAM believed the outbreak at Portland was only suppressed by the aid of the military force, and in the convict establishment at Portsmouth a surgeon was murdered. Sir Joshua Jebb was not the person who ought to have been sent to conduct the inquiry into the mutiny at Chatham, but some one who would have made a searching investigation. It was most unsatisfactory that these outbreaks should only have been suppressed by force and severe flogging.

In answer to Sir JOHN PAKINGTON,

SIR GEORGE LEWIS explained that the number of convicts to be sent to Bermuda this year would be reduced; the number to be sent to Gibraltar and Western Australia would be about 700.

Vote *agreed to.*

(68.) £145,590, to complete the sum for Convict Establishments (Colonies).

MR. PEEL proposed to reduce the Vote by the sum of £10,000, which would not be required for the establishment at Bermuda.

MR. AUGUSTUS SMITH asked, what was the cause of the different cost of almost equal numbers of convicts in different colonies? He believed that all the convict labour might be employed at home in completing Portland, and then on the other large public works.

SIR GEORGE LEWIS said, the question involved the distinction between transportation and penal servitude. The convicts sent to Gibraltar were employed, in captivity, on public works, and at the end of their term returned to England. Those sent to Western Australia remained there, and became part of the colonial population; they were disposed of for life, and this country got rid of them. There was that advantage in the system of transportation. It would be difficult to enforce imprisonment for life; men were likely to become desperate under it. It was not advisable to give up the system of transportation altogether.

LORD NAAS had hoped, after the strong statement made in "another place" by the Secretary for the Colonies, that no more convicts would be sent to Bermuda. He trusted that some assurance on this point would be given.

SIR GEORGE LEWIS said, that the noble Lord's statements last Session relative to Bermuda were derived from the testimony of the chaplain. Upon investigation that testimony was found to be considerably exaggerated, and it appeared that the moral and physical state of the convicts was not so bad as was represented. Nevertheless, it had been considered advisable to suspend the shipment of convicts to Bermuda, and no convicts had accordingly been sent there for some time. With the prisons at home, the convict establishment at Gibraltar, and the opportunity of sending a few convicts to Western Australia, no difficulty was felt in disposing of the present number of convicts.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 2 (Construction of Section 57, of 5 and 6 W. 4, c. 76),

MR. NEWDEGATE renewed his objections to the proposal that the Mayor of a town, who might be inexperienced, should preside *ex officio* over magistrates of great experience appointed by the Crown. Whenever the Mayor had had magisterial experience, no doubt precedence would be cheerfully accorded to him. He must take the sense of the House against a provision which would not add to the dignity of the Mayor, but which would cast a slur on the municipal administration of justice. He moved that the clause be expunged.

MR. SCHOLEFIELD said, that the hon. Member had spoken as if the Mayor of a borough had nothing to do but preside over petty sessions. But this Bill was to give him precedence, not only at petty sessions, but at meetings of magistrates held for a variety of purposes, such as the licences of public-houses, and at gaol sessions. The gaols were erected and maintained by the borough, and who so fit to preside at such sessions and at licensing sessions as the Mayor? He was the functionary responsible for the peace of the borough, and in times of excitement and disturbance the Government communicated with him on the best mode of preserving the peace. The intention of the Municipal Corporations Act clearly was that the Mayor should have precedence within the borough.

Sir George Lewis

MR. NEWDEGATE would remind the hon. Member for Birmingham that in the borough represented by him the magistrates did not refuse to accept the presidency of the Mayor until a person was elected Mayor to whom the hon. Member knew they had reason to object. A licensed victualler had once been Mayor of that town, and surely the hon. Member would not wish to see such a person Chairman of the licensing sessions on licensing day.

MR. ADDERLEY supported the Amendment, and said he did not see what necessity there was for introducing the Bill at all. So far as Birmingham was concerned, he believed that at great personal inconvenience the justices of that place had opposed the measure. He thought that as there was a strong objection on the one side, while on the other it was a matter only of sentiment and pride, the House ought to have some explanation from the Secretary of State why they should be called on to agree to this clause.

MR. BAINES said, the Bill was only intended to continue a practice that prevailed in every municipal corporation in the kingdom except Birmingham. If the Mayor was not to be *ex officio* president, they must have the inconvenient system of annual election, else the Mayor, who might only be magistrate for the year of his office, would have no chance of being president at all.

Question put, "That Clause 2, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 91; Noes 22: Majority 69.

MR. NEWDEGATE gave notice that as he found many hon. Gentlemen were not aware the division on this clause would be taken to-night, he would move the rejection of the clause on bringing up the Report.

Clause 3 (Amendment of Section 98 of 5 & 6 *Will.* IV. c. 76.),

MR. FREELAND said, that this clause proposed to alter, in a manner which he thought most objectionable, the provisions of the Municipal Corporations Act with reference to Borough Justices. By that Act it was provided that every person assigned by Her Majesty's Commission to act as a Justice in and for a Borough should reside within the Borough for which he should be so assigned, or within seven miles of the Borough, or some part thereof, during such time as he should act as a Justice of the Peace in and for such Borough. By this Bill it was proposed that every justice should be deemed to reside within such Borough, if he occupied any house, shop, warehouse, or other premises within the same, or within seven miles thereof. A person, therefore, who resided eight, ten, or fifteen miles away from a Borough might, if he occupied a tenement within that Borough, no matter how insignificant its value, be so assigned to act as a Borough Magistrate. He thought that such an alteration would introduce a class of persons not contemplated by the Municipal Corporations Act, and that in a political point of view it was open to very serious objections. He had received a letter from an old and tried friend of the Liberal party as regarded the effect of the change proposed, and with the permission of the Committee he would read a short extract from it, in the spirit of which he entirely concurred—

> "As to Section 3, by which a Justice is to be deemed to reside within a borough, if he occupies a house, &c., within seven miles thereof, it would, if I were in Parliament, be opposed by me tooth and nail. Justices are now appointed by the Crown, in other words, by Her Majesty's Ministers, through the medium of the Lord Chancellor. To a certainty, if such a clause becomes law, the great man of the neighbourhood, if he be in favour with the Ministers of the day, will, in reality, have the nomination of Borough Justices. Now, being a magistrate gives, as it ought, a position and an influence—which, if possessed by country gentlemen, will be extraneous and adverse in most instances to Liberal principles. Boroughs have always been the strongholds of Liberalism. I cannot, for my own part, imagine what Her Majesty's present Ministry can (if they really be Liberals) be thinking of. My strong impression is that, if this clause passes, such of Her Majesty's Ministers as are really and truly Liberals will live to regret it."

He would not trouble the Committee with any further comments, but he would move the omission of the clause.

SIR GEORGE LEWIS certainly had not proposed the clause from any political motive. In some large boroughs various persons resided more than seven miles from the town, but were virtually citizens of it, and came there to their place of business daily. Being, however, at present excluded, whatever their other qualifications, from the magistracy by the present law, this clause was framed to remove their disability. The provision was, he believed, not liable to abuse, and would effect an Amendment in the existing law.

MR. DENMAN suggested that a portion of the proposal of the hon. Member for Chichester should be adopted, and that the words at the end of the clause "or within seven miles thereof" should be omitted.

Clause, as amended, *agreed to*, as were also Clauses 4 and 5.

Clause 6 (Power to make new Adjustment of Wards in Boroughs),

SIR JOHN PAKINGTON said, he had been informed that the object of this provision was to authorize alterations in the arrangement of wards with a view to party purposes. He, therefore, hoped the Home Secretary would explain whether there was any real necessity for it.

SIR GEORGE LEWIS, as far as he was concerned, was totally unconscious of any party object in proposing the clause. It had been stated to him that since the passing of the Municipal Corporations Act changes had taken place in the population of certain wards, which rendered their boundaries unsuited to their present requirements. The power taken by this clause, if discreetly exercised, would be beneficial; but if any jealousy was entertained on the subject, and the power was shown to be capable of abuse, he should not insist upon the clause.

Clause *agreed to*.

House *resumed*.

Bill *reported;* as amended, to be considered on *Monday* next.

House adjourned at half after
One o'clock.

HOUSE OF COMMONS,

Wednesday, July 10, 1861.

MINUTES.] NEW MEMBER SWORN.—For Longford, Lieutenant Colonel Luke White.

PUBLIC BILLS.—1° Grand Juries (Ireland).

3° Turnpike Trusts Arrangements; Drunkenness (Ireland).

FICTITIOUS SAVINGS BANKS BILL.

COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR FRANCIS BARING, in moving that the House should resolve itself into Committee on this Bill, said its sole object was to determine the law with regard to establishments calling themselves "savings banks." There were two classes of savings banks, those that had complied with the Government regulations and those which had not. The beneficial operation of savings banks under proper management did not admit of dispute, but great hardships had been entailed on poor and unsuspecting persons, who, having entrusted their money to so-called "savings banks," under the impression that they were under Government regulations, discovered too late that they had been deceived by the assumed name, and had placed confidence in improper quarters. It had been proved before the Committee which investigated the subject that the monetary crisis in Glasgow was aggravated by the suspension of sixteen of these self-styled "savings banks," the law at present allowing any persons who thought proper to do so to associate with a common object under that title. In Southampton there were three establishments of that class, one of which was next door to the real savings bank, and instances were adduced in which it had been mistaken for the bank under Government control. The Committee had also received evidence with regard to similar cases in Brighton, Birmingham, and Manchester, and a circular had been produced which the persons interested in promoting one of these fictitious savings banks had put forward, detailing the advantages of forming a connection with their particular banking agency. The object of the Bill was not to punish such persons for the past, but to prevent them for the future from adopting the name of savings bank. It did not prevent them from proceeding with their business as they pleased; but what it said was that if they adopted the name of savings bank they should come under the savings-banks law, and should not deceive depositors by assuming a title to which they had no claim. He had the sanction of the Government for the measure, which had been most favourably received in the other House of Parliament, and he did not anticipate any opposition to its provisions. He, therefore, begged to move that its consideration in Committee be entered upon.

MR. W. E. FORSTER said, the House was naturally disposed to receive with favour any measure emanating from the right hon. Baronet, but he thought he had not fully considered the necessary consequences of his present Bill. It proposed to create a new offence, punishable as a misdemeanour, to meet exceptional cases. But the Bill would, likewise, affect a number of institutions which were not merely harmless but positively beneficial; he referred to the "Penny Savings Banks," which had been established under somewhat varying regulations, with the greatest advantage to the working classes, and whose managers, if the Bill were to become law, would be guilty of misdemeanour. They were very numerous in the north of England. They were not started for personal profit, but purely from philanthropic motives. If there were any public reason for compelling them to drop the term savings banks he should not object. But there was not, so far as he knew, any such reason. It must not be supposed that a change of name was a little matter with them. It was a serious thing; and what was more, to require them to remove that name was to cast a slur upon them. He should not have objected to the Bill if it had proposed to carry out all the recommendations of the Committee to which reference had been made. It was true the Committee in their Report referred to the inconvenience arising from institutions not under Government control assuming a similar appellation; but their attention was more especially directed to the advisability of giving guarantees to the present savings banks. When one of these failed, from any cause whatever, and it was found that the prevailing impression that the establishent enjoyed a Government guarantee was unfounded, public faith was shaken, and it was hard to induce them to place confidence in any savings banks whatever. His great objection to the Bill was that, by imposing this severe punishment on the conductors of establishmeuts which were not under the Government regulations, the impression that these latter enjoyed a Government guarantee would be increased. But so far from having any such guarantee, the trusteees by recent Acts of Parliament had been relieved from all liability, even in cases of wilful neglect and default, and he regretted to say that flagrant cases of what he must call fraud had taken place in these very Government savings banks. At Rochdale, for instance, it was discovered upon the death of the actuary that he had abstracted some £50,000 or £60,000 from the savings of his neighbours. The principal savings bank in Kendal was conducted in the names of several gentlemen, and the directors for the time being were responsible. As the directorate would probably be good for £500,000 in the aggregate, he would appeal to the House whether that bank was not safer than a Government savings bank, in which the only guarantee on the part of the Government was that they would be responsible for money after it got into their hands, they taking no steps whatever to insure that it ever would get into their possession? In a Welsh district there had been a Government savings bank in which a temporary defalcation took place. After that occurrence the people would not patronize the Government bank, and the proprietors of large ironworks in the district established a savings bank in connection with their own concern, for the benefit of their workpeople. Was the House of Commons prepared to make that philanthropic act a penal offence? He thought they ought to postpone legislation on the subject till they were prepared to meet the whole question, and carry out the recommendation of the Committee. Parliament had begun that year to give a Government guarantee by passing the Post Office Savings Bank Bill. Would it not be better to see how that Bill worked before introducing any measure of this kind? He was of opinion that the Bill would interfere with a number of banks which were doing a great deal of good; that it was uncalled for at that time, and that it would strengthen a false impression throughout the country, and thereby prevent that careful inspection and management of savings banks which would take place if it were not generally believed that there was a special guarantee for the money deposited in those establishments. He, therefore, moved as an Amendment that the Bill be committed that day three months.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day three months, resolve itself into the said Committee.'"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BAINES said, he must oppose the Motion for going into Committee on the Bill, as the right hon. Baronet objected to an Amendment of which he had given notice, for the insertion of words which would limit the operation of the measure to banks other than Government established, "for the purpose of profit to the managers or shareholders." The right hon. Baronet said, that if that Amendment were agreed to he would give up the Bill. Under these circumstances, he felt bound to second the Amendment of the hon. Member for Bradford. In its present shape the Bill would strike at hundreds and thousands of institutions which were arising throughout the country, and which he conceived to be attended with great usefulness—he meant the penny savings banks. They were on a small scale, and connected with almost every Sunday school, mechanics' institution, and evening class. They were managed by those who managed those benevolent institutions, by the committees of Sunday schools, and others whose object was purely and absolutely philanthropic. In many cases the object was to collect the pence of the children, and on the approach of winter or spring, to provide them with new clothing, the money was withdrawn. They got a much better interest than they could get if they invested in a Government savings bank. He held in his hand a letter from a friend in his own borough, who, with his wife and family, had established an evening class to teach mill girls to sow. He had established a penny bank in connection with that class, and he had written to him to say that he should give it up if the present Bill passed, as he did not choose to subject himself to be charged with an offence or to be visited by the penalties of the Bill. It might be said that they would only be required to take away the word "savings" from their title; but that word was the charm of the institution, and if they took away that they would be doing a great deal of mischief. The effect of the institutions to which he had referred was to induce children to acquire a habit of saving, which could not but be of the greatest possible value to them in after life. The evil which the right hon. Baronet wished to reach by his Bill was one which he (Mr. Baines) believed could be reached by the ordinary course of law against fraud; and as that Bill would demolish thousands of useful institutions, andas the right hon. Gentleman would not permit him to amend it, he had no course but to oppose the measure by seconding the Motion.

MR. HENLEY said, he was very sorry to hear that the right hon. Baronet the Member for Portsmouth would not consent to the modification of his Bill, because he agreed with the hon. Member for Leeds that the measure as now framed would injuriously affect an infinite number of penny savings banks in connection with schools. Those banks had no rules, but the clergyman of a parish, a schoolmistress, or some other person said to the children, "Put in a penny a week and I will add so much, and at Christmas or Michaelmas the money will be distributed in a particular manner." Now, were they to declare the person who did that to be guilty of a misdemeanour. That was the real question. The right hon. Baronet said, "Why do you not change the name?" He had cast a good deal about for words, but he could not find a word that would express what "savings" did as well as that term itself. Every child understood it. He was very reluctant to vote against the Bill, but if the right hon. Baronet did not modify it he should feel bound to do so.

MR. BAXTER said, he agreed very much with what had fallen from the last three speakers, but his object in rising was to explain the effect which the passing of the Bill would have in Scotland. In many towns in Scotland the only savings banks were those the deposits of which were guaranteed by the great chartered banks in that country. They were purely benevolent institutions, not conducted for profit, but for the benefit of the poor. Every day the money received was placed in the chartered banks with which they were associated, and was guaranteed by those banks the moment it was entered upon the depositors' pass-books. He would put it to the House whether that was not a better guarantee than that which the right hon. Baronet placed so highly? While they all knew that there had been several defalcations in connection with the Government savings banks, there had not been a single instance of defalcation in the banks which he had described. The effect then of passing the Bill in its present shape would be to deprive many of the towns of Scotland of the advantages which they enjoyed from the name of savings banks.

MR. HUBBARD said, the truth was the object of the Bill was to protect those who from their position in society were unable to protect themselves; and what they had heard of the charm in the name savings banks only strengthened the case of those who wished to pass the Bill, because it showed that the very fact of the assumption of the name of savings bank secured confidence and attracted depositors. Some of the most extensive institutions, which had assumed the name were carrying on a most thriving trade so far as regarded the acquisition of deposits, but an exceedingly losing trade so far as regarded their own profits and the security of the depositors. One of these institutions, established a few years back, promised high interest and undoubted security to depositors: while it promised large profits and limited liability to its shareholders. How those conditions were to be harmonized it was not easy to perceive. In the year ending June, 1859, that society by its own account alone made a deficiency for one year of £2,135. Up to September 1859 the liabilities amounted in the whole to £37,000 from the commencement, while the assets amounted to only £24,000, making a deficiency of £13,000. That was an illustration of the mischief which was going on. In one year thirty new branches had been opened, and £37,000 received. While those institutions were managed upon such principles, and since in a few years they must be eaten up by the expenditure, it was not for the Legislature to stand by and say, "Let the public take care of themselves." He submitted, then, that there was a case for the intervention of Parliament to prevent loss to persons who were unable to help themselves.

MR. DENT said, he deprecated too much interference on the part of Parliament in affairs which people should manage for themselves; nor did he see why the Government should adopt the fascinating title of "savings banks" without incurring full responsibility for all money deposited in those institutions, and at the same time deny to others the right to call their banks by that name. In the borough which he represented (Scarborough), and which contained about 18,000 inhabitants, those banks were established since 1850. During that time there were something like 1,100 depositors, and of these about 1,000 were connected with the schools in the town, while the whole amount deposited was only about £500, although the banks were something like the money-boxes given to children, the object being to get them to put in their money and make it difficult for them to take it out again. He should like to see everything connected with the poor self-supporting, but that could not be the case if such security was given as was intended by the Bill. He, therefore, thought it would be safer to reject the Bill, and wait for a more comprehensive measure to carry out the recommendations of the Select Committee.

Sir GEORGE LEWIS said, that it appeared to him that it would be going very far in the direction of penal legislation if, because the Government gave certain assistance to savings banks, but without giving an absolute guarantee, that House were to give them a sort of monopoly in the title "savings bank," and make it a misdemeanour, punishable by fine and imprisonment, for any one else to establish a savings bank and call it by that name. If it would be shown that there was a fraudulent intent; that the object of the party was to create a misunderstanding and to produce an impression that a bank was a Government savings bank, when it was not, the case would be different. Some qualification of that sort might remove the objection which now existed to the Bill. He could not call to mind any instance of a similar prohibition to that contained in the Bill. With regard to any argument that might be drawn from the law relative to the assumption of trade marks, where a trader assumed the trade mark of another firm there was *primâ facie* evidence of fraud; but the case under consideration was a mere assumption of a name which might accurately describe the nature of the business.

Sir FRANCIS BARING said, he must have been labouring under a great delusion. Last year that or a similar Bill was brought into the House of Lords, and the Government expressed approbation of it in that House. That year it was brought into the House of Lords, and the noble Lords who represented the Government then expressed their approbation of it. He had had the honour of communicating on the subject with the Chancellor of the Exchequer, and he understood that right hon. Gentleman to wish him to go on with the Bill. He had acted under the conviction that he was proceeding in concert with Her Majesty's Government. However, after the right hon. Gentleman the Home Secretary had declared against the Bill it was hopeless for him to go on with it; but he wished that the Government knew their own minds a little better, and that hon. Members should not be told by one Minister that what he was doing was sanctioned by them, and then, when he came down to the House, find himself thrown over by another. In pronouncing the funeral oration of the Bill, he wished to observe that he was as unwilling as any human being could be to interfere with the privileges of those benevolent institutions which had been referred to in the course of the debate; but he could find no words which would really draw a distinction between what he wanted to stop and what he would allow to go on. He admitted that that was an argument against the Bill itself. He had received communications with respect to what were called penny banks, but these would not have been affected at all by the Bill. The right hon. Gentleman concluded by withdrawing his Motion.

Mr. SOTHERON ESTCOURT said, he thought the right hon. Member had exercised a sound discretion in determining not to press his Bill. What was really wanted was that every charitable and benevolent society should be obliged to submit its transactions to an efficient annual audit at the hands of a paid auditor. Frauds were as common in the case of friendly societies as in the case of savings banks. He hoped, therefore, that next year a Bill would be introduced insisting upon an efficient audit in the case of all societies in which the working classes invested their money.

Sir GEORGE LEWIS said, he was not aware, before his right hon. Friend mentioned the circumstance, that this was a Government measure. He never had heard the subject discussed by his Colleagues, and he had given his opinion as an individual Member of the House, without wishing to bring Government influence to bear upon it. He was not before aware of the circumstances to which his right hon. Friend had adverted.

Sir HENRY WILLOUGHBY said, the Committee that sat on the subject only wished to interfere with institutions that were carried on for profit, and not those that were instituted only for benevolent purposes. He was certainly surprised when the right hon. Gentleman the Home Secretary rose and threw over the Bill, as he thought it might have been so amended in Committee as to render it a valuable measure.

Lord HARRY VANE said, he considered that, in the case of the small institutions, anything like an efficient audit would be impracticable; and that, even if it were practicable, it would be most distasteful to the depositors.

Sir JERVOISE JERVOISE expressed a hope that in a future Session a comprehensive measure would be introduced on the subject.

Amendment and Motion *withdrawn.*

Bill *withdrawn.*

CHURCH RATES LAW AMENDMENT BILL.—[Mr. Hubbard.]

SECOND READING.

Order for Second Reading read.

Mr. HUBBARD thought the present was a favourable opportunity for the dispassionate consideration of the question. The only measure on this subject which of late years had passed through the House was a Bill for the total abolition of church rates, and that Bill had recently received a gradually diminishing support, until, from a commanding majority, it had met with actual rejection. The parties, however, on that last division were so accurately balanced that neither could claim a predominance, and they were so far qualified to consider the subject with reciprocal motives for liberality and conciliation. But why had this decline occurred in the fortunes of the Total Abolition Bill? Because the measure itself was out of all proportion to the grievance alleged by one party of its supporters, and because it proved so truthful an interpreter of the ulterior aims of another, and that the effective party who supported it. The hon. Baronet (Sir John Trelawny) and his friends promoted it as a remedy for a conscientious grievance, and excused its going so far beyond the necessity of their case by urging that it was in the interest of the Church itself that they proposed to abolish church rates. The answer to that plea briefly was—"Churchmen are the best judges of what is for their own advantage, and beg that they may be left free to tax themselves for their own purposes." But the object of the real and effective promoters of total abolition was to denationalise the Church, and for their object the proposition was most admirably contrived. Upon that field the Liberation Society would meet with a resolute resistance, and hon. Gentlemen opposite may be satisfied that this question would never be settled upon the ground of ignoring the nationality of the Church. Neither (would he add to Gentlemen on this side the House) could the question be settled by ignoring the principle of religious liberty. If these facts were mutually recognized, there would be no difficulty on the part of Churchmen in appreciating the position of Dissenters, and granting them all that they could reasonably desire. The Bill which he had brought forward stated in the first place the legitimate objects for which church rates ought to be raised. It proposed to constitute modern ecclesiastical districts into parishes so far as church rates were concerned. It transferred the jurisdiction of the Ecclesiastical Courts in the case of church rates either to the County Courts, the Quarter Sessions, or the Supreme Common Law Courts. Then it assimilated the mode in which the church rate was to be collected to that followed in the case of poor rate; and it gave power to persons not conforming to the Church of England to claim exemption from the rate. He would not affirm that there was nothing in a name, but he must say that the phrase of ticketing Dissenters had been erected into an unreasonable bugbear. If it were a disgrace to be a Dissenter, it would be natural to shrink from being known as one, but what was the origin of a Dissenter? A Dissenter was one who, taking advantage of the liberty awarded to him, dissented from the Church, and the fact of his doing so proved that he was a man of determination, and that he took the step irrespective of any social consequences that might ensue from it. Why, then, should such a man shrink from being ticketed as a Dissenter? He was sure the Society of Friends could have no such feeling, for they were not only the oldest and most consistent controversialists on behalf of their peculiar views, but they ticketed themselves by the adoption of a peculiar dress, antiquated but convenient, and by adhering to a phraseology which respected the rules of grammar, while it violated the rules of courtesy. A more serious objection to a declaration of Nonconformity was raised by those Churchmen who looked upon schism as so fearful a danger and offence that they deprecated inviting or allowing men to assume the character of Dissenters. Well, if that scruple were generally entertained by the House, he should readily yield to it, for, although he thought the form of claim he had framed a natural and reasonable one, he did not consider the disclaimer of Church Communion to be an essential feature in it. But would that change in the construction of the claim remove the objection, or would it be urged again, as it had been by the learned Member for Plymouth, that any claim to exemption implied Nonconformity, and was, therefore, to be considered as a ticketing? He was really anxious to adopt the form which was most entirely free from a liability to offend the conscience, the scruples, the prejudices even, of Dissenters; but he must frankly say that he saw no prospect of an adjustment if they approached the discussion only in the spirit of the Liberation Society. In one of a series of propositions advertised by that society on the eve of the last division, they objected to the retention by Churchmen of a legal power to levy church rates, and declared that if it were continued Dissenters would be entitled to claim a right to levy "chapel rates." This struck him as a most significant declaration, for it implied that it was the legal status of the Church as bound up in the Constitution which they attacked, and that, rather than leave the Church in the sole possession of a legal power to rate, they would themselves demand the same right, a right be it remembered, which they had decried as a hateful one, and destructive of all true and vital religion. The hon. Member for Birmingham, in a previous debate, had invited them to give up their exclusive prerogative, but, "only upon church rates;" but did the Liberation Society assail the prerogative of the Church only as to church rates? Oh, no! They were explicit enough. Their indictment was sufficiently distinct and ample. The religious compact at the Coronation between the Sovereign and the people—the recognition of the Church in the religious service of the House of Lords, of the House of Commons, and of the Universities—the religious teaching of the destitute in our workhouses—the religious conversion of our very criminals in our prisons, since the religion was that of the Church—the maintenance of the religious endowments of the Church for parochial and educational purposes—all these, and many other facts are boldly designated by the Liberation Society as so many objects of their deliberate and resolute hostility. Now, while he avowed for himself, and for others whose feelings he knew, a desire to meet the consideration of any real grievance on the part of Dissenters with the utmost liberality, he must add that they could have no hope of adjusting these differences with men who shared the extravagant and revolutionary views of the Liberation Society. Let Members on the other side acknowledge and respect the nationality of the Church, and let Members on this side frankly recognize the principle of religious liberty, and he could anticipate a fair and equitable adjustment of this lamentable and prolonged struggle. He did not expect that at this period of the Session it would be possible to pass a Bill of such importance as the present, but he hoped he would be pardoned by the House for the statement he had made, as he had made it with a sincere desire to promote a fair and equitable settlement of this question. As he saw no prospect of being able to carry the Bill this Session, he would move that the order for its second reading be discharged.

SIR JOHN TRELAWNY said, he did not know whether, strictly speaking, he ought to allow the Bill to be withdrawn. However, he would content himself by giving hon. Gentlemen opposite a little advice, in many of whom he saw signs of improvement. He trusted they would make up their minds during the recess on some definite plan they would be prepared to support in the next Session. The hon. Gentleman had put a wrong gloss on the resolution of the Liberation Society, when he said that they were in point of fact asking the House to give them coercive means of obtaining rates the same as Churchmen had. They merely said that if the House adopted these rates, and they were held to be right and proper, then the necessary and logical consequence would be that the same right should be conceded to Dissenters. But they were entirely against any compulsory process whatever.

MR. BANKS STANHOPE said, that the general principle of a compromise must be that the Established Church alone had the right to levy a church rate. Her supporters, however, were willing to give to all who did not belong to the national Church the power of declining to pay church rates. He was opposed to drawing any hard line of demarcation between the Church and those who did not belong to her, and he had reason to know that that sentiment was shared not only by the Dissenters, but by many of the heads of the Church. The Bill of his hon. Friend (Mr. Cross) was fixed for the 24th inst. He could not say whether it would be introduced and discussed this Session, but, looking to the present appearance of the House, and the desirableness of securing a full House on a subject of national importance, his hon. Friend would probably not attempt to proceed with his Bill during the present Session. Next year, however, he trusted that a compromise would be adopted which would give satisfaction not only to both Houses of Parliament, but also to the public out of doors.

MR. J. C. EWART said, that church rates in Liverpool had been practically abolished for years. A sort of rate, however was made, which was printed in red ink on the rating paper, with the word "voluntary" against it. If a ratepayer objected to it he had only to strike his pen through it. There were hundreds of Dissenters in Liverpool who formerly objected to pay the rate when it was compulsory who paid the voluntary rate cheerfully. By that method all "ticketing" was avoided, and universal satisfaction was given. The amount was certainly not so great as had been collected previously, but it was amply sufficient for all church purposes.

Mr. NEWDEGATE said, he wished to bear his testimony to the conciliatory tone of the hon. Baronet the Member for Tavistock. The hon. Baronet was almost as one with himself in thinking that church rates had better be abolished, provided there were an adequate substitute secured to the parishes. The hon. Baronet had used great exertions to induce hon. Members to consider the plan which he (Mr. Newdegate) had the honour of submitting to the House, the plan being to "ticket" no one, but to give an exemption to tenants, if they chose to take it, by private arrangement with the landlords. That plan was practicable. It would be impossible to revive church rates in Birmingham by any compulsory system, and his plan would have left Birmingham exempt from its operation. If some such plan as existed in Liverpool were adopted in Birmingham it would provide the means for maintaining the fabrics of churches in that borough. He deprecated all compromises which would create a demarcation between Churchmen and Dissenters. His principles were ably enunciated by a learned Nonconformist who derived his origin from Birmingham. He claimed that the National Church should be open to every one; that every denomination having the means of providing for its own religious worship with the amplest freedom should never be debarred from returning to the Church of England; that no distinction, whether legal or moral, should be raised against their return; for he held that to establish such demarcation would invalidate the foundation of the National Church, and be calculated to disentitle the Church to the possession of her property, which she used so much to the advantage of the community. Such a demarcation would in short lay the ground for the denationalization of the Church. It was a principle of exclusion to which he would never readily yield his sanction. The principle on which he proposed his plan was the principle of inclusion. He saw no reason why a settlement satisfactory to all parties, not depriving parishes of their right to their property, not depriving them of legal means of maintaining the fabric of the church, should not be adopted.

Mr. T. DUNCOMBE said, that they heard a great deal about compromise within the walls of that House, but he believed that those whom he represented, and the large body of Nonconformists, had not the least intention to come to any compromise. It was only in that House that it was talked of, and they were only deceiving themselves if they believed that any compromise would ever be entered into. The hon. Baronet (Sir John Trelawny) had disclaimed any connection between his measure and the Liberation Society. Why, the Bill was the Bill of the Liberation Society. It was first brought in by Sir William Clay, into whose hands it was placed by the society. The agitation throughout had been the agitation of the Liberation Society, and the question would never have assumed the triumphant importance it had if it had not been for the Liberation Society. It was entirely their doing. Depend upon it they had no intention of compromising the question. But he thought it an unfortunate thing that the hon. Baronet (Sir John Trelawny) had acceded to the invitation of the hon. Member for Wiltshire (Mr. Sotheron Estcourt) who said he had a Bill in preparation for a compromise, and volunteered to delay his measure from the 5th of June to the 20th. He (Mr. Duncombe) believed if he had stuck to the 5th of June he would have carried his Bill, and it would have gone to the House of Lords, and Mr. Speaker would not have been placed in the shameful position of having to give a casting vote. Many hon. Gentlemen threw off on account of that delay. They saw compromise was intended, and they went away. He thought the cause had suffered by the course taken. The Nonconformists had the struggle to begin again. Let them stick to it. It was too late to compromise, and depend on it before many years were over, the rate would be abolished.

Sir JOHN PAKINGTON said, that he had contrasted with regret the tone of the language of the hon. Member for North Warwickshire (Mr. Newdegate) and that of the hon. Member for Finsbury (Mr. Duncombe). He ventured to say that the hon. Gentleman opposite (Mr. Duncombe) had undertaken to do more than he was entitled when he said that he spoke on the part of the body of Nonconformists. [MR. T. DUNCOMBE: I did not say I spoke for them. I said that I believed it.] He would then express his confident hope that the hon. Gentleman's belief was erroneous. He was much more disposed to agree with the hon. Member for Liverpool in thinking that there was no small proportion of the Nonconformists of England who would not only be glad to see the question amicably settled, but who, if the compulsory payment of church rates were abolished, would gladly contribute to the support of a church open alike to rich and poor. He thought his hon. Friend (Mr. Hubbard) had acted judiciously in withdrawing his Bill. He rose to express his strong and emphatic feeling, which was shared by a very large proportion of hon. Members on both sides, that the time had now arrived when the House might and ought to decide upon some amicable settlement of that long-vexed and disputed question. The course of the agitation ought to have taught both sides alike the necessity of moderation. He would venture to remind the Nonconformists, in the first place, that from the moment the evidence taken before a Committee of the House of Lords established the fact that a certain portion of the Dissenters used the agitation of church rates as a means of attack on the Established Church their majorities had gradually fallen off, until the majority was reversed. The lesson they might learn was this, that so far as they had used church rates as a weapon for injuring and weakening the Established Church, their design had signally failed. No doubt, however, the majority of the Nonconformists were sincere in their conscientious objections to church rates. On the other hand, he would remind the friends of the Church that the question of church rates did not stand in a satisfactory position. They had at length succeeded in defeating a Church Rate Abolition Bill, but it could not be disguised that a large majority of those who voted against it were sincere members of the Church, who desired to put an end to church rates. In many parishes church rates were refused, and the present system could not be said to be working in a satisfactory manner to the Church itself. The Church, for her own interest, was required to make concessions, and he had reason to think that if the subject were approached in a fair and amicable spirit on both sides of the House a satisfactory solution might be arrived at. His opinion was the result of many recent consultations with hon. Members on both sides of the House. He trusted that during the recess hon. Members who had brought in Bills would again devote their minds to the subject, and that, instead of renewing painful conflicts that were a scandal to religion itself, and that created and prolonged ill-feeling between Churchmen and Dissenters, some measure might in the next Session of Parliament receive the consent, if not of the two extreme parties, yet of the great majority of that House.

SIR FREDERICK HEYGATE said, he did not believe that the Bill of his hon. Friend (Mr. Cross) could be urged with any hope of success this Session. It was, however, the only really conciliatory proposal that had been made, and he trusted that either that or some similar measure would receive the assent of Parliament next Session.

MR. CONINGHAM said, he rose to express his concurrence with what had fallen from the hon. Member for Finsbury (Mr. Duncombe). He was one of those who believed that compromise was out of the question—that there was only one remedy for the evils complained of, and that was abolition. Moreover, he ventured to say that the position of the Church of England was no longer such as to warrant her taking such a high-handed tone. She was no longer the Church of the majority. Within her own bosom there were sects that differed as widely as Rome from Nonconformity. The only way in which the question could be settled was by abolition.

SIR JOHN TRELAWNY said, he would move that the House adjourn, in order—

MR. SPEAKER said, the hon. Gentleman could not do so. He had already spoken, and it was not competent for him to make a Motion. He might explain.

SIR JOHN TRELAWNY said, a remark had been made that he was for a compromise. Certainly he should not be averse to a compromise, but he did not think the hon. Gentleman below (Mr. Duncombe) had treated him fairly. Why, Mr. Miall, who went as far as any one in these matters, had accepted the compromise which was proposed by Sir George Grey. He (Sir John Trelawny) was not allowed to explain further, but he would take care there was no mistake about the matter.

The hon. Gentleman (Mr. Duncombe) presumed greatly on his past usefulness when he made the statement he had made.

Mr. PUGH expressed a hope that in the next Session there would be a permanent settlement of this question; he meant one that would be satisfactory to all parties, for no other could be expected to be permanent. He had heard it said by high authorities in this House, who were themselves opposed to the unconditional abolition of church rates, that Wales was in this matter an exceptional case, differing altogether from England; and it was certain that however great were the evils of the present position of the question there they were still more aggravated in Wales by reason of the prevalence of Dissent. These evils could not be better described than they were in the Second Resolution of the Lords' Report; that church rates are only assessable by a majority of the vestry, and that for the neglect to vote a rate there is no penalty at common law. Thus, on a question which ought above all others to be removed from the arena of controversy; namely, whether the church shall be repaired or not, they saw continually evoked all the stormy passions of the political platform and the hustings; and more envenomed, because there entered into them a religious and sectarian spirit, telling men that they were conscience stricken and persecuted, and proportionably exasperating them. These evils seemed to him far greater than any that could arise from total abolition. In the evenly balanced state of parties in this House it was no disparagement of individual Members, however eminent they might be, to say that a settlement of this question was beyond their powers. He, therefore, wished to see it undertaken by the Government; that of Lord Derby had made an honourable attempt in that direction, and he had always thought that it was more honourable in them to have made the attempt than it was discreditable to have failed. *Nec tam, Turpe fuit vinci, quam contendisse decorum est.* If they looked back on the legislation of preceding years, they saw that those political settlements which had been made in a large and comprehensive spirit, had given general satisfaction and had been permanent. In such a spirit the Duke of Wellington, by the influence which he possessed, was enabled to achieve Catholic emancipation; and Ireland, which was once the most turbulent and distracted part of the empire, became as peaceable and contented as any other. After years of agitation the free trade controversy was closed. They had made peace with Ireland, they had made peace with the Free-traders, let them now make peace with the Dissenters. Some of them might have expressed ulterior views, some might have even spoken unadvisedly with their lips, but he did not think, he was sure the House did not think, that the great body of them throughout the country were an implacable race who had vowed the destruction of the Church. And if some of them had done so, that was no reason why they should refuse to apply timely remedies to admitted evils, which all deplored; which affected the clergy more than any others. If this question were once settled, and that of education treated in a mild and paternal spirit, he believed that thousands of Dissenters, from being opposed to the Church, would become its friends. Should the Government in the next Session address themselves to it they would, doubtless, be supported on both sides of the Houses of Parliament; and they might feel the satisfaction of having accomplished two great measures—the French Treaty, and the settlement of the church rate question; peace abroad, and peace at home.

Sir CHARLES DOUGLAS did not think the course taken by his hon. Friend the Member for Tavistock was open to the criticisms of his hon. Friend (Mr. T. Duncombe), for they were not founded on fact. He (Sir Charles Douglas), having been a member of the Committee moved for by the Member for Tavistock in 1851, could state that a Bill for the Total Abolition of Church Rates was the consequence of the proceedings before that Committee, was not drawn by the Liberation Society, on the contrary, it was introduced into that House before that society existed. He might add that the hon. Gentleman himself (Mr. T. Duncombe) was one, amongst others, who had originally asked his hon. Friend to bring in the Bill. It was perfectly true that the hon. Member for Tavistock had always expressed his readiness to accept a satisfactory compromise, but those who knew him, well knew that the only compromise which could be proposed as satisfactory to him must be, both in principle and substance, all he had so long contended for. He believed that the opponents of church rates owed much to his hon. Friend for his conduct of this Bill, for he had always endeavoured to promote goodwill, and he (Sir Charles Douglas) was sure he was only expressing the feeling of the House in bearing testimony to the courteous and efficient manner in which his hon. Friend had invariably conducted the opposition to the church rates. He believed that his hon. Friend had acted wisely in giving to Gentlemen opposite full opportunity for proposing a compromise, convinced as he was they could never agree on any plan which would settle the question short of total abolition. For his own part, for the sake both of Churchmen and Dissenters, he was not in favour of any compromise of principle on the question, and he was convinced that no compromise would ever be accepted on any terms which did not involve the voluntary principle.

Order *discharged;* Bill *withdrawn.*

VACCINATION BILL.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. T. DUNCOMBE said, he rose to move as an Amendment that the Bill be committed that day three months. The measure contained provisions deeply affecting the feelings of the labouring classes of the country, and involved a breach of faith on the part of the Government, as two years ago they had agreed that there should be no compulsory legislation on the subject until after a Parliamentary investigation into it had taken place. With regard to vaccination much good might be done, provided persuasion and not coercion were used. Even at the present day medical men differed in opinion as to the efficacy of vaccination. The rage for it which existed at one time had very much evaporated, and if a Committee were appointed he had authority for saying that many eminent medical authorities, both at home and abroad, would be ready to give that Committee the results of their experience on the subject. Some said that vaccination was altogether useless, but, generally speaking, the opinion was in its favour so long as it was not made compulsory. One party would tell them that vaccination only held good for seven years, while another contended that if it were properly done it would last a man's lifetime. Where vaccination had failed as a protection against smallpox the answer invariably given was, that it was not properly done in the first instance. That, however, was a mistake. There were some constitutions which would not take the cowpox at all, and to which, therefore, it was no defence whatever. Be that, however, as it might, there existed a feeling among the people of the country generally that the authorities had no right, in order to carry out a particular theory, to take polluted matter from one person's arm and place it on that of another. There were medical men who maintained that the matter produced in some instances scrofula, consumption, and venereal diseases. When the lymph was taken from arm to arm it no longer was the cowpox which Jenner recommended, and which was to be taken direct from the cow. At all events, however, if vaccination was desirable it should not be done under Act of Parliament, and he very much inclined to the opinion expressed by the late Sir Robert Peel when he said that

> "The proposal to make it compulsory was so contrary to the spirit of the British people, and the independence in which they rightly gloried, that he would be no party to such compulsion."

Under these circumstances he would recommend that the Bill be withdrawn for the present Session, and next Session, when an inquiry had taken place, a measure on the subject might be introduced. The hon. Member concluded by moving that the Bill be committed that day three months.

MR. CONINGHAM seconded the Motion.

Amendment proposed,

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day three months resolve itself into the said Committee.'"

—instead thereof.

MR. LOWE said, he hoped to have been spared the necessity of going at any length into this question, but the interests involved were of such transcendant importance that he could not refrain, in reply to the hon. Member, from placing a satisfactory and triumphant case before the Committee. The history of the measure was this. In 1853 Parliament passed an Act for compulsory vaccination; and that Act was for a time in operation, but as there was a defect in the Act, arising from the want of a provision by which those who prosecuted under it might obtain their expenses, the Act fell into desuetude. When the present Government was formed in 1859 he introduced a Bill to make what then remained of the Board of Health perpetual, and that Bill contained a clause remedying the defect he had just mentioned, but being pressed by the hon. Member for Finsbury on the subject, he, in order to pass the Bill, gave up the clause. It was a bitter reflection to him that he gave up the clause; but had he not done so he believed that he should have lost the measure altogether; yet he was convinced that the abandonment of the clause had occasioned the loss of many thousands of lives in this country. He was, therefore, determined to attempt to remedy the defect; and if the House would not support him, upon the House must fall the responsibility. He was almost ashamed to take up the time of the House by arguing respecting the efficacy of vaccination. From 1837 to 1840 the deaths from smallpox amounted to 12,000 a year; from 1840 to 1853, during which period vaccination by the Poor Law Boards was established, the annual average of deaths was only 5,200, so that it appeared that the diffusion of vaccination had reduced the mortality by more than one-half. Then came the period when the compulsory law came into operation, and its first effect was remarkable. The number of vaccinations enormously increased, and the deaths diminished. In 1854 they sank to 2,808. In the next year the deaths sank still lower, amounting only to 2,525. Afterwards they gradually increased up to the present time, the Act having, as he had already explained, fallen into desuetude, and thus the efficacy of vaccination was satisfactorily established. In 1859 and 1860, when there was a smallpox epidemic in London, and when the Act of 1853 was found not to work, the Board of Health, doing that which was rather irregular for a public office, set up an agitation to induce the Boards of Guardians to supply the deficiency of the law, and the report of the medical officer confirmed what the Board of Health knew before—that when vaccination fell into neglect the smallpox showed itself to be the same terrible pestilence as before Jenner made his valuable discovery. The first effect of this agitation was that the vaccinations in London were raised to five times their average amount, thus showing the enormous amount of neglect which had existed in respect to the matter. Those engaged in the agitation divided London into two districts, one of which they inspected, and in that district the deaths from smallpox were reduced, after inspection, from 621 to 231. The Committee might, therefore, form some idea of the amount of human life and misery that might be saved by the timely application of the remedy of vaccination, and it was ascertained by those who undertook the duty of inspection that before Jenner's invention, two-thirds of the persons in the blind hospitals had been rendered blind by the smallpox. The disease fell in a fatal form on children under five years of age; and it was a curious fact that children vaccinated, however imperfectly, under five years, scarcely ever had the smallpox under that age. In 1857 a circular was sent from the office of the Board of Health to 539 of the most eminent medical men in the country and in foreign parts, and the answers received from all, with the exception of two, were to the effect that vaccination conferred a very great exemption from the smallpox, an almost absolute security against death from that disease, and rendered people less susceptible of other diseases. The list included the names of Dr. Acland, Dr. Babington, Sir Benjamin Brodie, Sir James Clarke, Mr. Ferguson, Dr. Latham, Dr. Locock. Would the House be doing wisely, then, after being made acquainted with the verdict of so many eminent medical men, now to appoint a Committee of Inquiry on the subject? He had mentioned that the terrible malady of smallpox, whenever it attacked children of tender years, fell heavily upon them, and that vaccination was a protection against it; and now let them consider what a great responsibility they would take upon themselves, if, in the face of the almost unanimous opinion of medical men, to which he had just referred, they left unvaccinated children—who could exercise no discretion of their own on the subject—to perish, and also to communicate a dreadful contagion throughout the country. It would be profaning liberty, self-government, and independence, to say that any man had a right to set up his own sordid or brutal prejudices against such opinions as those he had quoted to the exposure of his child to disease and death. Those were his reasons for advocating compulsory vaccination. As to the alleged objection of the poor of the country to such a proposition, he saw no proofs of it. The Bill had been printed for three weeks, and he had not hitherto observed that any petition against it had been presented from that class, or that any objection had been taken to it in any way. He was assured by his inspectors throughout the country that the unions were glad to see them in every case without exception, and that their advice was cheerfully listened to. He was also informed by them that there was no indisposition on the part of the people to vaccination. Ignorance and apathy were found to exist, but he was quite satisfied that if once the people understood that the law which required children to be vaccinated was to be carried into execution it would not be necessary to enforce the law, for it would be obeyed as a matter of course. Naturally, there existed an enormous difference in the ways in which vaccination was performed, and in asking for compulsory powers the State was bound to give every guarantee that those powers should not be abused; consequently, in different parts of the country educational vaccination institutions had been founded, where persons were vaccinated and pupils taught. The quantity of lymph had been doubled and could be increased with the greatest facility and in perfect efficiency to any extent as required. Rules under the Act had also been issued, requiring boards of guardians to contract with no one but regularly qualified practitioners for the purpose of vaccination, and no deputies except of the medical profession would be allowed. More he would do if he knew how, but he hoped the House was satisfied that as far as they could they had endeavoured to promote the great object of vaccination. There was a theory started that the efficacy of vaccination was wearing out, but the valuable discovery of Mr. Seeley had set any doubts on that point at rest for ever. That gentleman had proved that the virus taken from the human body and introduced into that of the cow produced the cowpox. It was thus evident that they had means of obtaining lymph for the necessary power to any extent. The efficiency of vacccination was becoming greater and greater every day, owing to the beautiful discovery that its security could be increased almost indefinitely by increasing the number of punctures. But if there were no means of improving the effect of vaccination, still, under any circumstances, it was an enormous boon to man, for out of 1,000 persons who took smallpox without being vaccinated, 350 died, while out of 1,000 who, after being badly vaccinated, took the smallpox, only 150 died, and out of 1,000 who were well vaccinated, and afterwards took the smallpox, only five died. The Bill which he wished to pass into law was very simple. All that it enacted was that the Poor Law Boards might appoint persons to prosecute under the Bill those whom the medical officers reported ought to be prosecuted, and to allow the expenses of prosecution to be paid out of the poor rates, unless the magistrates should be of opinion that the information was improperly brought. He confined the power of recovering the expenses to official persons in the next clause, which provided for the appropriation of the penalties, and on these simple provisions turned the whole question whether compulsory vaccination should prevail or not. The subject was one with respect to which he felt the deepest anxiety, and he did not, for the reasons which he had stated, deem it consistent with his duty to accede to the Motion of the hon. Member for Finsbury.

MR. MITFORD said, he was astonished to hear that any educated man could now entertain a doubt of the advantage of vaccination as a preventive to smallpox. In one parish in the union with which he was connected, eighteen births had during the last half-year taken place, and yet only two children had been vaccinated. He hoped, therefore, that Government would succeed in carrying out the measure under discussion, inasmuch as the present system of vaccination was wholly inefficient.

MR. LOWE said, he wished to supply some figures which in the course of his remarks he was unable to lay hands upon. He found that the number of deaths from smallpox was—in 1856, 2,227; in 1857, 3,336; in 1858, 6,460; while in 1859, owing, he believed, mainly to the exertions made in agitating the question, the number had fallen to 3,840.

MR. CONINGHAM said, he was of opinion that the State had no right to interfere in the mode proposed by the Government. No doubt if they could be satisfied that all the assumptions of the right hon. Gentleman (Mr. Lowe) were founded on facts, his argument would be conclusive; but when they had to deal with figures, they knew they might be made to prove anything. The names of medical men of eminence had been quoted by the right hon. Gentleman in support of his views; but the saying, "There is nothing like leather," might be applicable to the medical as well as to other professions. He thought that the right hon. Gentleman had overlooked the great sanitary improvements which had taken place in their towns and cities, and, for his own part, he would rather see that system of sanitary improvement completed. He would rather see the cause of disease removed than a remedy provided, which, after all, was of extremely doubtful effect, and he thought the suggestion of the hon. Member for Finsbury one of a very reasonable character.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

House in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Expenses of Prosecutions),

Mr. AYRTON said, by the provisions of the clause it was sought to be enacted that a number of officers named should be at liberty to institute a prosecution against offenders under the Bill, and that whatever expenses they incurred, unless a justice certified to the contrary, should be payable out of the poor-rates of the parish in which the offending person resided. The system of legislation thus proposed to be carried into effect he could only characterize as perfectly novel, and he hoped that the Government would consent to amend the clause, by providing that the expenses in question should be allowed if the Judge before whom the prosecution was instituted certified that such ought to be the case. Under the operation of the clause as it stood the prosecutor would naturally not ask the Judge for a certificate at all, and expenses might thus be allowed when they ought not to be given.

Mr. LOWE said, he was of opinion that the clause as it stood answered the purpose. As a general rule the party was entitled to indemnity for what he did, and it would be hard to deprive him of that indemnity except upon very strong grounds.

Mr. HENLEY remarked that the words of the clause were very wide, and might be construed to go beyond the costs actually incurred in a prosecution. The common rule in cases of the kind was to give the costs if they saw fit. He saw no reason why that rule should be departed from on this occasion. The clause gave no discretion to the magistrates, but only gave them the power of refusing the expenses in a special case—namely, if the proceedings had been improperly instituted. He also could have wished that the Government had taken steps to insure that the lymph employed in vaccination was really good lymph. In his county, the people held a notion that the vaccine matter made use of not only did not protect them from smallpox, but induced other diseases.

Mr. LOWE said, that what was desired in that case was not costs, but indemnity.

Mr. LOCKE said, he thought that the clause required alteration.

Mr. CONINGHAM said, it was a gross and arbitrary infringement of the liberty of the subject to empower the police, as the agent of the Government, to go into private families and insist on the performance of an operation to which some parents might have a strong and, perhaps, well-founded objection. For his own part, he declared that he would not obey the law if there were ten Acts of Parliament.

Mr. LOWE expressed his readiness to defer to the wish of the Committee, that the justice should certify that expenses were to be paid, and that he should also fix the amount.

Amendment *agreed to.*

Mr. AYRTON said, he also wished to call attention to the last part of the clause, which provided that the costs were to be paid out of the rates of that particular parish in which the offender happened to live. He thought they should come out of the common fund of the union.

Sir BALDWIN LEIGHTON said, he was afraid that if the charge were to be placed upon the union, and not upon the parish, the parishioners would take no pains to have the law carried into effect.

Mr. SOTHERON ESTCOURT said, that if the parishioners had no control over the matter, which he believed to be the case, the expenses ought in fairness to be charged upon the common fund of the union.

Mr MITFORD said, he believed the parishioners had an indirect control.

Mr. HENLEY asserted, on the contrary, that the control rested entirely with the Board of Guardians. The expenses, therefore, should be paid by the union.

Mr. LOWE said, he would remind the Committee that the Bill would be the means of lessening the rates of parishes. It was only fair, therefore, that parishes should pay some of the expenses. The clause as it stood would have the effect of enlisting the parishioners on the side of the law.

Mr. KENDALL was persuaded that the Bill would not work at all if the expenses were not laid on the common fund of the Union.

Mr. AYRTON said, that the Chinese principle of punishing a man with the view of compelling him to make another obey the law had never been acted upon in this country, and he did not think it would be wise to adopt it now. He proposed the insertion of the following words, "payable out of the common fund of the Union." All the original charges for vaccination were paid out of the common fund, and he saw no reason why an exception should be made in this case.

Amendment proposed,

"In page 2, lines 14 and 15, to leave out the words 'rates for relief of the poor of the parish,' in order to insert the words 'common fund of the union.'"

MR. LOWE said, he was ready to defer to the opinion of the Committee, but it struck him that the clause was better as it stood. By placing the expenses on the parish the advantage would be gained of making it the interest of the parishioners to see the law carried into effect.

MR. HENLEY said, he thought that all the charges for vaccination should go together.

MR. BARROW remarked, that boards of guardians were directed to provide for the vaccination of all children born, not in particular parishes, but in the Union. There could be no question, therefore, as to where the costs should come from.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 70; Noes 44: Majority 26.

On the Question that the clause, as amended, stand part of the Bill,

MR. T. DUNCOMBE said, he objected to parents being held responsible until their children arrived at the age of twenty-one. There ought to be some limit—three or five years.

MR. LOWE said, he thought that so long as a parent might be considered to have a legitimate control over his child, and to be answerable for its conduct, the law should hold him responsible. He did not become more entitled to consideration because he had neglected his duty for a great number of years.

MR. HASSARD inquired whether the Bill was to extend to Ireland?

MR. LOWE replied in the negative.

Clause *agreed to.*

Clause 3 (Application of Penalties),

MR. HENLEY said, he objected to the proposal to give penalties to informers. He could not conceive a greater curse than such a practice. It had been abandoned in a great many cases; and, in fact, the right hon. Gentleman who had charge of the Bill had admitted the principle, because he had placed the power of laying information in the hands of public officers. Now, public officers ought never to have penalties, but should be remunerated for their time in the ordinary way.

MR. LOWE said, he agreed with the right hon. Gentleman, and would consent to strike out the objectionable words of the clause.

Clause, as amended, *ordered* to stand part of the Bill.

House *resumed.*

Bill *reported,* as amended, to be considered *To-morrow.*

METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. TITE said, he rose to move the second reading of this Bill.

MR. LOCKE said, he rose to order. When the Bill was last before the House, he was counted out while speaking on the Motion for the second reading. He submitted, therefore, that the debate was an adjourned debate, and that he was in possession of the House.

MR. SPEAKER: If, as the hon. and learned Gentleman states, the House was counted out, that does not make the debate an adjourned debate.

MR. TITE said, he would then proceed to explain the objects of the Bill, which had received the assent of all the local bodies in the Metropolis, and also of the Select Committee to which it was referred last Session. The Bill was originally introduced at the close of the Session of 1859, it was then printed and circulated; after much discussion and many amendments late in the Session of last year he again introduced it, and it virtually passed this House, nothing remaining but the third reading, when, owing to the lateness of the Session, he was obliged to withdraw it. The Bill he now presented was word for word the Bill of last year, and was principally intended to amend the Act of 1855, by which the Metropolitan Board of Works was established, but it would not give to the Board any new powers. Under the old system of the Commissions of Sewers two large sums were borrowed and spent on the drainage of the Metropolis. The first, amounting to £200,000, was to be repaid in 1865. The second amounted to £142,000. Of that sum £42,000 had been paid off, and the remaining £100,000, as the law now stood, was to be paid in certain proportions by certain parishes in the Metropolitan district. Those proportions were felt to be unequal and unjust, but the proper time for discussing that question would be when Bill No. 2 was brought under the consideration of the House. The Bill before them was also intended to give a remedy against any parish which refused to collect the drainage rates made by the Board. As the law now stood the money required for main drainage, or any large arterial drainage, was to be obtained by sending a precept to the vestries or district boards. The precept was sent by them to their overseers; and if they neglected to obey it the Metropolitan Board had no immediate remedy. The parish of St. George's, Hanover Square, had refused to allow its own collector to get in the drainage rates imposed by the Board, and the Board was put to the trouble of having to send their own collector to get in the rates from that parish. The Metropolitan Board of Works had been charged with neglect of its duties. What were the facts? The Board had seventy miles of drainage to construct, of which forty-five had been commenced. No less a sum than about £500,000 had been expended, and he had the authority of the engineer of the Board for stating that in two years the Metropolis would be relieved from the greater portion of the drainage which now fell into the Thames. Another great work intrusted to them was the making of a new street from the vicinity of the terminus of the South-Eastern Railway to Stamford Street. It was a work of enormous difficulty; but it was now nearly finished; and the street had been constructed with a subway over the sewer so as entirely to obviate the necessity of taking up the pavements. He believed that so extensive a business had never been conducted in so short a time by any public body either in the City of London or in Paris. Besides this, there were other streets they had to make, one in connection with Victoria Park, and another from St. Martin's Lane towards the Strand. These works involved an immense amount of labour, and it could not, therefore, be justly alleged that the Metropolitan Board had neglected their duties. The new offices, which had been called a palace, had cost only £14,000, and were really less expensive in the nett than the alterations which must have been made at Greek Street, and when also there was not sufficient space for the wants of the public. The Bill before the House, as he had said, gave them no new powers; it simply sought to explain and amend the powers they possessed. The provisions were really intended for the benefit of the whole Metropolis, and not to oppress the ratepayers in any particular. He begged to move that the Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. LOCKE complained that a Bill of such magnitude, comprising 116 clauses, and involving the interests of 3,000,000 of Her Majesty's subjects, should be brought forward at so late a period of the Session, to be discussed in so thin a House. He would not say it was monstrous as regarded the Metropolis, but as concerned his own constituents it was most inconvenient. Such a measure demanded a full and scrutinizing consideration. The constitution of the Board of Works was eminently vicious, and before they came to that House for extended powers they ought to have reformed their own constitution. They could not enjoy the confidence of the Metropolis unless they were elected directly by the ratepayers. In the Select Committee upon the local taxation of the Metropolis the Chairman of the Board, Mr. Thwaites, had been asked whether he thought any alteration should take place in the mode of electing its members —whether they should not be elected directly by the ratepayers rather than by the vestries, who, in nineteen cases out of twenty, selected their own members to represent them, but he had declined to give any opinion on the subject. Other members, however, were examined, and their opinion decidedly was that the Board would be more efficient, and enjoy greater confidence if directly elected by the ratepayers. Constituted as the Board now was, he had no confidence in it. The Bill as it went before the Select Committee last Session consisted of the two Bills, No. 1 and No. 2; but the Committee had struck out the clauses which now constituted No. 2 Bill; and the hon. Member for Bath, not satisfied with the decision of the Select Committee, had revived those rejected clauses and constituted them into a second Bill. What was called the Rock Loan and other loans by the 118th Section of the Metropolis

Local Management Act, had been settled on the same principle as under the General Sewers Act, the 13 & 14 *Vict.*, certain burdens being imposed on particular parishes; but the Metropolitan Board of Works, actuated by the trumpery spirit of the select vestries from which they sprang, sought unfairly, unjustly, and contrary to the law to double the liabilities of his constituents. That was the real object of No. 2 Bill. He would, therefore, oppose both Bills. The hon. Member for Bath was, in that respect, running directly counter to the decision of the Select Committe of last Session; and the borough of Southwark did not choose to suffer their interests to be compromised by this trick.

Debate *adjourned* till *To-morrow.*

House adjourned at five minntes before Six o'clock.

* * *

HOUSE OF LORDS,

Thursday, July 11, 1861.

Minutes.] Public Bills.—1ª East India (Civil Service); Turnpike Trusts Arrangements; County Surveyors, &c. (Ireland); Copyright of Designs; Appropriation of Seats (Sudbury and Saint Albans); Drunkenness (Ireland).

2ª Tramways (Scotland); Tramways (Ireland) Act Amendment; Industrial Schools (Scotland); Metropolitan Police Force Pensions.

3ª Boundaries of Burghs Extension (Scotland) Act Amendment.

Royal Assent.—Cork Infirmary; New Provinces (New Zealand); Offences in Territories near Sierra Leone Prevention; Public Offices Extension; Guildford Hospital; Landed Property Improvement, &c. (Ireland).

THE MERCANTILE MARINE.

EXPLANATION.

The Earl of **HARDWICKE** said, he thought it but due to himself to make an explanation with respect to some remarks which fell from him a few nights ago in the course of a discussion upon the Naval Reserve Force Bill. He had received from the Mercantile Marine Association of Liverpool a letter protesting against an expression used by him, to the effect that the merchant seamen were not true sailors, but that they were merely persons who understood the propulsion of vessels by steam. He would substitute the word "seaman" for "sailor;" but with that qualification he must adhere to his opinion. All men who were engaged in navigation were sailors; but seamen were men who were perfect in their profession as it was understood under the old system. At the time that he made the observations which were complained of their Lordships were discussing a proposition which he had made, that the officers of the Mercantile Marine should undergo an examination before they took charge of Her Majesty's ships. His reason for making that proposition was that the officers obtained from the merchant service would come principally from the vessels of the large steamship companies, which performed long voyages, and in which steam, instead of being as it was in Her Majesty's ships only an auxiliary, was the principal motive power, and they would, therefore, not have so complete a knowledge of the use of masts and sails as would be required for the efficient management of one of Her Majesty's ships. He did not mean to give any offence; on the contrary, he had a high opinion of the officers of the merchant service; but he had commanded a line-of-battle ship, and had had under his command officers who, having served mainly or exclusively in steamships, did not seem to be aware what could be done with a vessel trusting solely to her masts and sails. Moreover, he believed that in the merchant service the ships were completely rigged and fitted before the officers went on board; and, therefore, he felt himself justified in saying that the officers in that service did not obtain so complete a knowledge of practical seamanship as was possessed by the officers of Her Majesty's Navy. He made this statement because, as he had been misunderstood by the public, he might have been misunderstood by some of their Lordships; and in conclusion he begged to say that he entertained great respect for the officers of the Mercantile Marine.

THE TURNER GALLERY—WILL OF MR. TURNER, R.A.

MOTION FOR COPY OF WILL.

Lord **ST. LEONARDS** said, that owing to the absence, through indisposition, of a noble Marquess (the Marquess of Lansdowne) who took a deep interest in the subject, he wished to postpone the Motion of which he had given notice relative to the establishment of a Gallery in which to exhibit the pictures bequeathed to the nation by the late Mr. Turner. As he thought it desirable that their Lordships should have before them the materials by which to form a judgment upon his Resolutions, he begged to move—

> "Copies of the Will and Codicils of the late Mr. Turner, R.A., and of the Decree of Vice Chancellor Kindersley, establishing the Right of the Nation to the Pictures of Mr. Turner given by him to the Public and also of the Representations lately made by the Trustees of the National Gallery to the Treasury upon the Subject of Mr. Turner's Gift of his Pictures to the Nation."

LORD OVERSTONE regretted that it should be found necessary to postpone the discussion, because he thought the matter was one of pressing importance; but he was glad that the noble and learned Lord had moved for the production of further papers. He hoped the subject would receive the careful consideration of their Lordships, for he felt the more the question was looked into the more would it be acknowledged that the present arrangement for the display of these pictures was utterly improper and unsatisfactory, and that their continuance in their present position was inconsistent with good faith to the testamentary directions of the man who had devoted to the use of his country so noble a bequest.

EARL GRANVILLE said, the indisposition of the noble Marquess was one of a merely slight character, and gave no cause for alarm. There would be no objection to the production of the papers now moved for.

After a few words from Lord MONTEAGLE, Motion *agreed to.*

TRAMWAYS (IRELAND) ACT AMENDMENT BILL.—SECOND READING.

Order of the day for the Second Reading read.

THE MARQUESS OF CLANRICARDE, in moving the second reading of the Bill, said, its object was to amend an Act passed in the last Session of Parliament, containing so many stringent provisions that the measure had become a perfect nullity. The Act required that parties desirous of of making tramways should go twice before the grand jury, then appear before the Board of Works, and afterwards appear before the Lord Lieutenant in Council, and afterwards have an Act of Parliament. These cumbrous formalities were necessarily attended with an amount of expense greatly disproportioned to the advantages to be derived from making the tramways; and the intention of this Bill, therefore, was to render it necessary for the parties to go before the grand jury once only, and to enable the Lord Lieutenant to finally sanction the work. This Bill proposed to repeal a clause which was inserted in the Act of last year, providing that there should be no deviation of more than thirty feet from a highway; but, as it was necessary that a tramway should be carried on the level, that provision rendered the measure valueless wherever a hill or valley occurred. The Bill would afford many advantages, and he, therefore, hoped their Lordships would read it a second time.

Moved, That the Bill be now read 2^a.

THE EARL OF LUCAN opposed the second reading, considering the provisions of the Bill to be very objectionable. The Bill of last Session was carefully considered by a Select Committee, and the principal clause in it, which empowered any company, with the consent of the grand jury, to pass over any man's estate was rejected without even a division. It was proposed by this Bill to restore that clause, and to restore it without many of the securities which were then offered. He challenged the noble Marquess to name any company which had attempted to carry out works under the Act of last Session. He considered the Bill most objectionable, and, therefore, moved that it be read a second time that day six months.

Amendment *moved*, to leave out ("now") and insert ("this Day Six Months.")

THE MARQUESS OF CLANRICARDE said, that it was found to be absurd to do anything under the Act of last Session, and no one had attempted to carry out works under its provisions. That was the reason why an Amendment of the Act was sought by this Bill, and it was not likely that any works would be sanctioned by the Lord Lieutenant in Council, by the grand jury, and by a jury of assizes, which were open to sound objections. The Bill gave sufficient protection to landowners, and he hoped that at least their Lordships would consent to examine it in Committee.

EARL GRANVILLE thought that as the Bill would confer great advantages it was desirable to give it a second reading, and if, on consideration in Committee any further checks were required, they could be then inserted.

LORD REDESDALE said, that if by the repeal of the clause inserted in the Act of last year it was intended that power should be given to take land not within thirty yards of a highway the result would be that a tramway would be first laid down, and then a short Act obtained to turn it into a locomotive line. Practically, it would allow grand juries instead of Parliament to sanction railways in Ireland; and, without wishing to say more about grand juries than they deserved, he must say they were a body easily influenced to do anything, whether right or wrong. The Act last year was carefully considered by a Select Committee, and before a year's trial had been given this Bill was brought in to alter it. It would be far better to have a longer experience of the Act passed last Session before proceeding further with this Bill.

After a few words from Lord MONTEAGLE and the Earl of WICKLOW,

THE EARL OF DERBY asked the noble Marquess whether he would have any objection to expunge from the Bill in Committee that clause which repealed the 42nd Clause of the Act of last year, and which consequently gave power to take property without the owner's consent beyond the limits assigned by the Bill of last year? If the noble Marquess would give that assurance, he should have no objection to going on with the Bill, and considering the other clauses in Committee; otherwise he should vote for the Amendment.

THE MARQUESS OF CLANRICARDE said, he had no objection to give that assurance, on which understanding

Amendment (by leave of the House) *withdrawn.*

Then the original Motion was *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

POOR ASSESSMENTS (SCOTLAND) BILL.

COMMITTEE.

House in Committee (according to order).

Clause 1 (Means and Substance Mode of Assessment abolished),

THE EARL OF CAMPERDOWN said, that on reading the Bill he found that it did not, as he at first supposed was the case, abolish this mode of assessment in every parish throughout Scotland, but exempted parishes in which the rate was levied according to established usage. In several places, therefore, means and substance would still continue to be the mode of assessment; and he, therefore, moved an Amendment extending the operation of the Bill in these cases also.

Amendment *moved*,

"After ("Ireland") to insert ("and also so much of the Thirty-fifth Section of the said recited Act as makes it lawful for the Parochial Board of any Parish or Parishes to assess such Parish or Parishes according to Local Act or Usage, so far as such Local Act or Usage authorizes the assessment of Means and Substance.")

THE EARL OF EGLINTON opposed the Amendment. Moreover, the Bill was a Money Bill, and if any Amendment were made in it the other House would reject it altogether. Now their Lordships appeared to be agreed upon the principle of the Bill, and against this objectionable mode of assessment on means and substance. A very few parishes, for the most part rural, where the assessment was now made by private arrangement or by local Act of Parliament, would be exempted from the operation of the Bill, and the slight objection taken by the noble Earl on this score would not, he hoped, induce their Lordships to defeat this measure.

VISCOUNT MELVILLE supported the Amendment, on the ground that the Bill was a wrong way of doing a right thing.

THE DUKE OF ARGYLL was far from asserting that this House ought to refrain from amending a Bill because it was a Money Bill, if it contained provisions which were seriously objectionable; but, on the other hand, he thought their Lordships ought not to take advantage of an incidental Amendment moved for the mere purpose of defeating such a measure. Greenock was one of the parishes where the assessment was under a local Act, and he did not think it right in such cases to disturb the assessment existing there. The Amendment was objectionable in itself; its avowed object was to defeat the Bill altogether, and he should, therefore, give his Vote against it.

THE EARL OF CAMPERDOWN complained that the noble Duke had the other evening said that the Bill would be read a second time subject to Amendments in Committee; whereas now he was told that to press an Amendment in Committee would be to defeat the Bill altogether. The Bill as it stood at present was partial in its operation, and he could not understand why what was considered fair for Dundee should not be considered equally fair for Greenock. Believing that, with a view to secure uniformity, it was desirable that the Bill should apply to the whole country, he should certainly press his Amendment.

THE DUKE OF ARGYLL explained his meaning the other night to be that if any part of the Bill were objectionable in itself their Lordships ought not to be prevented from amending it, but he did not think this was the case here. On the occasion in question he alluded, not to the Amendment of his noble Friend, but to that of a noble Lord now absent from the House, upon a totally different part of the Bill.

THE DUKE OF MONTROSE supported the Amendment, and expressed his surprise that the Bill should omit certain parishes, while its operation was enforced in others.

THE EARL OF AIRLIE said, the Amendment proposed by his noble Friend had been suggested during the progress of the Bill in the other House; but after careful consideration it was thought better that the clause should continue in its present shape.

LORD POLWARTH suggested the postponement of the Bill until next Session, when, he hoped, the whole Poor Law system of Scotland would undergo careful consideration.

On Question, their Lordships *divided*:— Contents 13; Not-Contents 33: Majority 20.

Amendment *negatived*.

THE EARL OF CAMPERDOWN proposed another Amendment: After ("is thereby") to leave out ("repealed"), and insert ("Suspended until the 1st day of October, 1862, and to the end of the then next Session of Parliament"). The effect of the Amendment would be to suspend instead of repealing the rating of stock in trade. According to the English law the power of rating stock-in-trade was suspended and not wholly repealed, and his object was to assimulate the law of the two countries in this respect.

THE EARL of AIRLIE said, the power of rating stock in trade in England was practically abolished, and thought it not worth while to defeat the Bill altogether for the purpose of carrying out the object which his noble Friend had in view.

THE DUKE OF ARGYLL also opposed the Amendment.

On Question, their Lordships *divided*:— Contents 9; Not-Contents 29: Majority 20.

Amendment *negatived*.

Bill *reported*, without Amendment; and to be read 3ª on *Monday* next.

The Earl of Camperdown

HARBOURS BILL.—COMMITTEE.

House in Committee (according to Order).

THE MARQUESS OF NORMANBY said, he had not opposed the second reading of this Bill, but on that occasion he thought it necessary to say a few words on the special injustice with which he thought the town of Whitby was treated. These dues had been levied there for a century and a half, and by an Act of Parliament passed in 1827 they were made perpetual. By the present Bill these dues were abolished without any compensation whatever. He objected to this as a peculiar hardship on the town of Whitby. It had been stated that the harbour of Whitby was useless, but that statement was not consistent with the fact. No doubt that owing to the increased size in the tonnage of ships, some of the harbours referred to in the Act no longer fulfilled the purpose for which they were adapted when the tolls were granted; but as regards Whitby he was enabled to state that within the last six years upwards of 3,000 colliers had taken refuge in that harbour during storms. He did not seek for any special indulgence for Whitby, but he felt it to be his duty towards his neighbours to correct the misrepresentations that had been made.

LORD STANLEY OF ALDERLEY said, the people of Whitby could not complain of being taken by surprise by the Bill as the subject had been before Parliament for several years. Their Lordships should bear in mind that it was ships passing the harbour that paid these tolls, and not those entering the harbour. In the case of Whitby the levying of these tolls was far more objectionable than in any of the other three harbours referred to in the Bill; for its harbour was dry at low water, and had only twelve feet of water over the bar in ordinary tides, with sixteen or seventeen in spring tides. Whitby was now no longer noted for blubber boiling, but had become a fashionable watering-place, for which purpose it was better adapted than a harbour. He did not think the town had been harshly treated, as sufficient tolls would remain to keep the harbour in repair.

THE MARQUESS OF NORMANBY repeated that he thought Whitby had been treated harshly.

Amendments made; the Report thereof to be received on *Monday* next, and Bill to be printed as amended. [No. 187.]

LEICESTER SQUARE.—QUESTION.

LORD REDESDALE inquired, Whether the Attention of the Commissioners of Her Majesty's Works or of the Metropolitan Board of Works has been directed to the manner in which the Garden in Leicester Square, in the City of Westminster, is now and may be hereafter occupied? The noble Lord said he had thought it right to call their Lordships attention to the subject, because some facts had come under his notice in his official capacity which he thought ought to be generally known. Their Lordships would remember that some years ago the centre of this square was a garden—certainly a very neglected one, but still a good open space. About ten years back there arose up in the middle of it a building for the exhibition of what was called "the Great Globe," but no one knew by whose authority. However, very little inquiry was made about it, and the building was erected without any opposition. It was said that the place had become a nuisance, and that it would be greatly improved by what was being done. In 1852 a private Bill was introduced into Parliament entitled "Leicester Square Improvement and Ownership of Square or Garden Bill." It provided for the improvement of Leicester Square, and secured to "James Wyld the unconditional enjoyment of the enclosed garden or area of the said square." It was set forth in the preamble that Mr. Wyld had purchased the fee simple of the ground, and that the same was duly conveyed to him, but that "nevertheless divers persons claimed to be entitled to some right over the same." The Bill provided that Mr. Wyld should have power to maintain or pull down the existing building, and to erect another for a literary institution, or a bazaar, or for other purposes connected with science and art, public instruction, or public amusement. This Bill was introduced, but proceeded no further, and was dropped; but it proved distinctly that Mr. Wyld, whatever limited right of possession he might have acquired, did not possess a right or title to do that which he had done upon the property. Two years afterwards another Bill was introduced, to enable the "Cosmos Institute" to purchase Mr. Wyld's interests in the area of Leicester Square. This Bill in like manner was dropped; but during the present year another Bill was introduced, called the "Leicester Square Gardens Company Bill," enabling the "Owners of Leicester Square Gardens to place them in the hands of Commissioners who should have the power of erecting a museum or other exhibition buildings on the site." This Bill was also withdrawn. These private Bills showed that the parties in the occupation of the centre of Leicester Square felt that they had no title to the property, or at any rate that they were conscious of some defect in their title. It was for the public interest that the square should be cleared, as it was the only open space between Hyde Park and Lincoln's Inn Fields. It was of the utmost importance that where there were open spaces in densely populated neighbourhoods, as was the case of Leicester Square, the enjoyment of them should be secured to the public. The parties resident in the locality were not indifferent to what was going on, for since his notice appeared upon the paper he had received several communications on the subject. He yesterday received a letter signed by what appeared to be a majority of residents in the square, thanking him for having taken up the subject, and mentioning that the encroachments on the enclosure had long been felt to be an injustice by the surrounding inhabitants, and that the state of the building in the centre was a disgrace to the locality. They also expressed a hope that his timely intervention might be the means of restoring the square to its unencumbered state. He understood that some years back the property in question was the subject of litigation in Chancery, and was divided among various claimants. He was unable to give any positive information on the matter, but he had no doubt that the residents were practically, though, perhaps, not with sufficient precision, secured in their right to the enjoyment of the gardens under the original covenant when the houses were built, and that nothing had occurred to deprive them of that right. By one of the clauses of the Metropolis Local Management Act persons were not permitted, without the sanction of the Board, to encroach with buildings upon their own gardens when they were within a short distance of the highway, and there ought certainly to be some means of preserving open spaces, such as these gardens. He did not know what power the Government had of interfering in the matter, but he begged to ask the noble Earl the President of the Council whether the attention of the Commissioners of Her Majesty's Works or of the Metropolitan Board of Works had been directed to the manner in which Leicester Square was now or might be occupied?

Earl GRANVILLE said, that the public were much indebted to the noble Lord for calling attention to this subject, which was really of some importance. He was sure their Lordships must all agree with the noble Lord in holding that it was very desirable that open spaces in the Metropolis should be secured against encroachment and occupation as much as possible. The state of Leicester Square had been for some time under the consideration of the Chief Commissioner of Works; but it had not yet been decided whether the Board could interfere in the matter, or what measures it was necessary to take. He had no doubt, however, that some decision would be arrived at before long.

Lord OVERSTONE said, that as one the churchwardens of the parish of St. Martin's-in-the-Fields, in which two sides of Leicester Square were situated, he had that morning been waited on by his brother churchwarden and several respectable inhabitants of the Square, who had requested him to render any assistance which he could to the noble Lord opposite in regard to this matter. Leicester Square was becoming every day more of a public thoroughfare, and, in addition to the unsightliness of the structure which had been erected in the centre, and the accumulation of everything that was filthy, unseemly, and improper which existed in the enclosure, scenes took place there at a late hour which were most discreditable to the Metropolis, and for the prevention of which it was absloutely necessary that some measures should be adopted.

RAILWAY ACCIDENTS.

QUESTION.

The Marquess of WESTMEATH inquired of Her Majesty's Government, in consequence of what had transpired by the recent Verdict of a Coroner's Inquest respecting the Death of an Individual employed upon the North Staffordshire Railway in conducting a Locomotive Engine, and which the Jury found was occasioned by undue Speed, whether it may be in their Contemplation to propose any Amendment of the Law to control the Speed of Railway Engines in future within reasonable Limits?

Earl GRANVILLE said, that it was not the intention of Her Majesty's Government to introduce any such measure as that referred to by the noble Marquess, and they had been strengthened in that determination by the fact that the Committee on Railway Accidents had declined to recommend any direct interference by Parliament as to the extreme speed at which railway trains should be permitted to travel.

Viscount DUNGANNON said, that railway accidents often occurred through reckless driving, with a view to make up for lost time. The matter, however, was one with which, under all the circumstances, it was not very easy to deal by legislation.

House adjourned at a quarter-past
Seven o'clock, till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 11, 1861.

Minutes.] New Member Sworn.—For Richmond, Roundell Palmer, esquire.

Public Bills.—1° Expenses of Prosecutions Acts Amendment; Dublin Revising Barristers; Lunatic Asylums (Ireland) Act Continuance; County Cess (Ireland) Act Continuance.

2° Trustees (Scotland).

3° Queensland Government; Landlord and Tenant Law Amendment (Ireland) Act Proceedings.

THE *WARRIOR, BLACK PRINCE,* &c.

QUESTION.

Mr. HORSFALL said, he rose to ask the Secretary to the Admiralty, Whether the Admiralty have enforced the penalties against the builders of the *Warrior*, *Black Prince*, *Resistance*, and *Defence*, amounting to £50,000 each for the *Warrior* and *Black Prince*, and £40,000 each for the *Resistance* and *Defence*, as stated in the Parliamentary Return ordered by the House of Commons to be printed on the 21st day of June, 1861; and, if they have not yet enforced these penalties, whether it is their intention to do so; and, whether the Admiralty have already given further orders for building iron-cased ships to any of the builders of the above-named vessels; and if they have not, whether it is their intention to do so until the contracts they have in hand are completed?

Lord CLARENCE PAGET said, in answer to the question of the hon. Member, he had to state that the penalties against the builders of the *Warrior*, the *Black Prince*, the *Resistance*, and the *Defence*, had not been enforced. The penalties had reference to two distinct things—the one being time, and the other workmanship and material. With regard to time reasons existed why it was not thought advisable that the penalties should be imposed, especially on account of various alterations being necessary, and having by so much retarded the works. But with regard to workmanship and material it was still open to the Admiralty to inflict the whole or any part of the penalties if they should not turn out according to order. With regard to the second part of the question two builders who had already contracts had been employed to build other vessels. Their tenders were low, and the work they had done was satisfactorily performed.

MR. ROBERTS'S IRON TARGETS.

QUESTION.

Sir ROBERT PEEL said, he wished to inquire, When the Admiralty intend to test the targets constructed by Mr. Roberts at their request?

Lord CLARENCE PAGET said, that Mr. Roberts's target had been reported to be ready, and it was the intention of the Admiralty to give him an opportunity of having it tested. He might state that many gentlemen who had invented improved targets expected that the Admiralty should find the means of testing them immediately they were ready. The fact was that the Admiralty had a vast number of targets brought under their consideration, and he was not able at that time to say when Mr. Roberts's target would be tested.

THE GALWAY SUBSIDY.—QUESTION.

Mr. KER said, he would beg to ask the First Lord of the Treasury, Whether, as a Select Committee has been appointed, and is now sitting, to inquire into the circumstances attending the termination by the Postmaster General of the Postal Contract with the Royal Atlantic Steam Navigation Company, it can be correctly stated that the subsidy had been withdrawn, and that the Contract will not be renewed, under any circumstances, by Her Majesty's Government?

Viscount PALMERSTON: Sir, as is well known to hon. Members, the Post Office authorities have intimated to the Galway Company that the Contract is at an end. What may be the result of the labours of the Committee which has been appointed to inquire into the circumstances of the case, of course, I am unable to state.

THE ENGLISH AMBASSADOR AT VIENNA.—QUESTION.

Mr. T. DUNCOMBE said, he wished to ask the Secretary of State for Foreign Affairs, If it is true that the English Ambassador at Vienna recommended the Emperor of Austria not to receive the Hungarian Address agreed to by the Diet at Pesth, unless such Address fully recognized his sovereignty and title as King of Hungary; and, if so, whether the British Ambassador was acting under instructions from the Government at home?

Viscount PALMERSTON said, he had not seen the report to which his hon. Friend alluded, but he had no hesitation in saying that there was not the slightest foundation for any such report. It was highly improbable that the Austrian Government would ask the advice of any foreign Minister with regard to their internal arrangements. All foreign Ministers accredited to Vienna know too well the habits and feelings of the Austrian Government to intrude their advice without its being asked for.

THE CRIMINAL LAW AND THE BANKRUPTCY AND INSOLVENCY BILLS.

QUESTION.

Mr. HADFIELD said, he wished to ask Mr. Attorney General, When it was intended to proceed with the Consolidation of the Criminal Law Bill, Offences against the Person Bill, and the Bankruptcy and Insolvency Bill (Lords' Amendments)?

The ATTORNEY GENERAL said, the Offences against the Person Bill stood second in the Orders of the Day for Monday next, and it was proposed to report Progress in Committee of Supply between eleven and twelve o'clock, to give an opportunity of discussing the only clause in the Bill that remained to be considered. It was most important that no delay should take place, inasmuch as the further progress of the other Consolidation Bills in the other House was delayed, in consequence of this Bill not being sent forward. It was the intention of the Government to bring on the discussion of the Bankruptcy and Insolvency Bill on Thursday next.

Lord HOTHAM said, he would beg to ask the noble Lord at the head of the Government, Whether he will, as a matter of general convenience to all parties concerned—and to none, perhaps, more than to Her Majesty's Government themselves—

give notice beforehand how the Government proposed to deal with the Bankruptcy and Insolvency Bill? The House had just been informed that it was not intended to proceed with it on Monday, but that it was to come on Thursday next. Perhaps the noble Lord, without giving reasons for the course which the Government intend to pursue, will say whether he cannot on Monday give notice of the intentions of the Government with respect to that measure.

VISCOUNT PALMERSTON: The suggestion of the noble Lord is not unreasonable, and I hope by Monday I shall be able to state to the House the manner in which we shall propose to deal with the main Amendment.

EDUCATION COMMISSION.

OBSERVATIONS.

Order for Committee (Supply) read;

SIR JOHN PAKINGTON said, he rose to call the attention of the House to the Report of the Education Commission. He was quite aware of the value of the time of the House in the existing state of public business; and, therefore, he did not now intend to enter into any extended argument on the subject to which he wished to direct attention. But, considering the important Report which had been laid upon the table by the Education Commissioners, considering the great ability of that Report, considering the interesting and comprehensive nature of its contents, considering also that that Report bore upon questions which he had felt it his duty, in the course of the last few years, on more than one occasion to bring before the House, he hoped hon. Members would not consider him unduly intruding on their time if he requested permission to draw their attention to some portions of that Report, and to the considerations which the Report suggested on the subject of the present system of the education of the poor in England. He wished, in the first instance, to remind the House of the circumstances that led to the appointment of the Commission. It would be recollected that for several years, extending from 1853 to 1858, the question of public education excited considerable attention in Parliament and a strong feeling of interest in the country. The first measure on the subject to which he would call attention was one for local objects, but involving at the same time a general principle—he meant the Bill for the extension of education in Manchester and Salford. That Bill proposed an entirely new mode of providing funds for educational purposes, and also a new mode of carrying on religious teaching in schools. The principles laid down in that Bill were deemed so important that it was referred to a Select Committee, and the evidence taken before that Committee constituted the most valuable public document existing on that interesting subject, with the exception of the Report of the Commission which he held in his hand. In 1855 he (Sir John Pakington) himself introduced a Bill by which he proposed an entirely new mode of conducting the public education of the country. The discussion of that Bill occupied a considerable time. The principle which he advocated met with great opposition, and the Bill was not allowed to pass, but the protracted debates to which it gave rise tended to the increase of information on the subject, and to the formation of a strong opinion both in and out of doors. In 1856 the noble Lord, then Secretary of State for the Home Department, submitted a series of Resolutions on the subject of education. Those Resolutions were founded on exactly the same principles on which he had based his Bill the previous year; but they were much opposed in the House, especially by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), and the right hon. Gentleman the Member for Carlisle (Sir James Graham), and after a long discussion they were rejected by a large majority. In the following year, 1857, he (Sir John Pakington) introduced a Bill not identical, but involving similar principles with his previous measure; but he was prevented from proceeding with it by a dissolution of Parliament. Those were the circumstances in which the advocates of some alteration in the system of education found themselves at the commencement of 1858; and in the commencement of that year a difference of opinion on both sides of the House was expressed upon the question, whether the present system of education was sufficient for the complete education of the people. Seeing the difficulty of the House of Commons deciding whether any and what changes were desirable, he brought forward a Motion for the appointment of a Commission to inquire into the subject of education. That proposal was resisted. He was told the information he sought was not required; that all the facts the friends of education could desire could be obtained from the annual reports of the inspectors employed by the Privy Council. He was told that all was going on well; that there was no need of a change; that the progress of education in England was greater during the present century than it had ever been in any other country during the same period of time; that the friends of education had only to rest content with the law as it stood, and that in time every reasonable requirement of the country in respect to education would be provided. The reasons assigned by the noble Lord opposite (Lord John Russell) and himself to prove the necessity for legislation, or to inquiry with a view to legislation, were—Firstly, that, notwithstanding the Privy Council system, large masses of the people of this country were in a state of the most deplorable ignorance. They next urged that large districts of the country were supplied either with very inefficient schools or with no schools at all. They urged, thirdly, the early age at which the children left school, thereby preventing them from receiving the full benefit of the instruction. They urged, fourthly, that which they were now also strongly prepared to recommend, and which he was glad to find had been taken up in the last Report—namely, the indispensable necessity for some local agency in aid of the central educational establishment. Fifthly and lastly, they urged the impossibility of the system now administered by the Privy Council ever becoming so extended as to meet the requirements of the country. Those opinions were warmly combated, and by none more than by his right hon. Friend (Mr. Henley); but on a division on which his Motion was carried the Education Commission was appointed which had lately reported. One circumstance gave the Report of the Commission peculiar weight and an unusual title to respect. His Motion was made under the Administration of the noble Viscount opposite (Lord Palmerston). It happened, however, that within a few days after that Motion was carried a change of Government took place, and the Earl of Derby's Government came into office. It, therefore, devolved upon the Government of the Earl of Derby to nominate and appoint the members of the Committee. He was sorry to say that no one more strongly dissented from the views he expressed than his right hon. Friend the Member for Oxfordshire (Mr. Henley). They were both Members of the Government of the Earl of Derby, and, as it devolved upon the Marquess of Salisbury, as President of the Privy Council, to nominate that Committee, he came to the resolution to consult neither his right hon. Friend nor himself, but to take upon himself the responsibility of nominating the members of that Commission without communication with either of them. That was, he thought, a wise discretion on the part of the Marquess of Salisbury; and thus it happened that, although he was a Member of the Government by which the Commission was appointed, he had no more voice in the nomination of the Commission than any other Member of that House. He was, therefore, free to confess that the Marquess of Salisbury had exercised the soundest possible judgment in the selection of persons to be members of that Commission, and above all in the choice of the noble Duke (the Duke of Newcastle) who filled the dignified and responsible duty of Chairman of the Commission. That noble Duke was a statesman who held no extreme views on the subject of education, and was well entitled by his ability, and by his freedom from bias or prejudice, to enter upon such an inquiry in the best possible spirit, and to conduct it in the calm and dispassionate temper which he was bound to say characterized every line of that Report. The noble Duke and every gentleman upon the Commission were entitled to the gratitude of the country for the manner in which that difficult duty was discharged; nor had there ever been laid on the table any document upon the question so well qualified to give increased information or to lead to a sound and safe conclusion as the Report of the Commissioners. It was, of course, satisfactory to him to find that every one of the five grounds that had induced the noble Lord opposite and himself to urge some change in our educational system had been fully and completely confirmed by the Report of the Education Commissioners. He would more particularly refer to the doubts he had expressed in regard to the Privy Council system ever being so far extended as to meet the requirements of the country, and the necessity of some local agency for supplementing the present system. The Commissioners stated their gratification at the advance which had taken place in the proportion of children actually at school. The earliest Report on that subject gave the number of children at school as 1 in 17 of the population. The next return, in 1833, gave the number as 1 in 11. It was now stated by the Commissioners to have risen to 1 in 7 and a fraction. That was as high a proportion as almost any country in Europe could show at the present time. Perhaps Switzerland might be rather higher; but it was impossible to deny that it was a very satisfactory proportion of the population at school. The Commissioners, however, went on to remark that a very delusive estimate of the state of education must result from exclusive attention to the mere amount of numbers at school. In the first place, there were schools that were too poor to comply with the conditions required, and thus assistance was withheld in those districts where there was the greatest need of it. From poverty and from other causes it appeared that there were schools in which 573,000 children were educated that did not share in the national grant, and though it might be assumed that the unassisted schools were, to some extent, stimulated by the improvements effected and the higher standard set by the assisted, yet the Commissioners held that this system did not effect, and was not adapted to effect, the diffusion of a sound system of education among all classes of the country. He hoped that that last sentence would not escape attention, because it was impossible to have a more distinct assurance that the present system was not adapted to effect that diffusion of education which was desirable. Then the Commissioners referred to another subject, the importance of which no one could deny—namely, the nature of the teaching given even in the inspected schools. On that subject they stated that they had received with respect to inspected schools overwhelming evidence from the inspectors, proving that not one-fourth of the children received good education; that the education given was too ambitious, and too superficial in its character, and that, except in the best schools, it was too exclusively adapted to the elder scholars to the neglect of the young. The next subject to which he should advert was the absolute necessity of local superintendence and care, without which he did not believe that they should ever have an effective system of education. The Commissioners said that the want of local interest and support was a leading defect in the present system, and would render its permanent establishment throughout the country a very questionable benefit. Here was a distinct admission on the part of the Commissioners of the principle for which he and others had all along contended, that local aid and superintendence were indispensable, and that they were entirely wanting under the present system; so that even its extension over the whole country would be a very questionable benefit. The Commissioners stated further that it was a fallacy to say that the present system helped those who helped themselves, for the poor could not help themselves in districts where the rich would not help them; and that if it should be urged, in spite of these disadvantages, the system would work its way through the country, they contended that its progress would be slow; and that, if it should be successful, it would be unwise and unjust to establish it permanently as a national system, because it was mainly supported by excessive individual sacrifices on the part of the clergy. In that paragraph reference was made, among other things, to the amount of cost which, under the present system, the clergy were obliged to bear in order to enable the system, such as it was, to be carried on at all; and he could not help reminding the House of the language which had recently fallen from the lips of the noble Duke who acted as the Chairman of the Commission, and who declared that the reason why the Commission were compelled to recommend some resort to a system of rating was because this so-called National System was by no means national in extent, large districts being left unprovided for, and the schools not receiving aid being more numerous than those receiving aid. He would for a moment refer to a remarkable illustration given in the Report of the undue share of the cost of the system which was cast on the clergy. Mr. Fraser, the assistant-commissioner, endeavoured to obtain some information as to the sources from which the voluntary subscriptions towards the expenses of the system came. He selected a district with 168 schools, and it appeared that 169 clergymen contributed £1,782, or £10 10*s.* each; 399 landowners contributed £2,127, or £5 6*s.* each; 217 occupiers contributed £200, or 18*s.* 6*d.* each; 102 householders contributed £181, or £1 15*s.* 6*d.* each; 141 other persons contributed £228. It, therefore, appeared that the clergymen contributed eleven times as much as the farmer, six times as much as the householder, and, though with probably not half his income, twice as much as the squire. That afforded a most honourable proof of the immense exertions made by the clergy of the Established Church in order to support the present system of education, and he firmly believed that if it were not for their disproportioned exertions it would be impossible for the existing system to be even so effectual as it was. In one other passage from the concluding part of the Report the Commissioners gave a summary of their recommendations, with the view of correcting what they considered the evils of the present system, and they said that they proposed to combine with the existing system a local system, which would enable schools in the country to participate in the benefit of pecuniary aid. The House could not fail to perceive that there was not in those statements a single word which was not in the closest accordance with that which he and the noble Lord the Foreign Secretary on former occasions had ventured to urge on the subject. He, and those who advocated the same views, had never denied the merits of the present system. It would, indeed, be absurd to contend that all the machinery of a Government department, a body of sixty inspectors, and an annual grant of £800,000, all brought to bear upon the encouragement of education throughout the country, could be in operation for upwards of twenty years without having produced important effects and done great good. He thought, however, that he had succeeded in showing the House, by evidence drawn from the most impartial quarter, that, whatever might be the merits of the existing system, it was not adapted to the complete education of the people, or to the diffusion of the means of education to the widest possible extent. The very word which he himself had used in the course of the speech to which he had already referred was that we stood in need of a "supplementary" system; and the adoption of such a system had, he found, been recommended by the Commissioners. They, it was true, suggested that recourse should be had to a county rate, whereas he, on more than one occasion, had expressed himself in favour of a parochial rate. Which of the two it was most desirable to adopt he should not at that moment stop to discuss; suffice it to say, that the principle involved was the same—local inspection and control, and the assistance of local funds.

He would next advert to the position in which the grant stood which was annually made for the support of the existing system. Those who doubted the efficiency of that system had always predicted that the expense of its maintenance would become larger than the House of Commons would be disposed to bear, and too large for the purposes of adequate control and management. That prediction had already been fulfilled, even sooner than he had expected; for, beginning with the year 1839, he found that while the sum granted in that year was only £30,000 it had progressively increased until, in the year 1859, it had reached the large sum of £836,000. From that time that which he and others had foreseen would be the result of the distrust of local action, and the adherence to the principle of centralization, had come about. When the present Government came into office the Chancellor of the Exchequer for the first time proposed that the fund provided by the State should not be increased, and he was sorry to say it had since been considerably reduced, although the population of the country was increasing and the educational necessities were not diminished. For the last two years the Vote had been reduced. He was aware that the sum proposed for the present year was above that of last year, but it was less by £30,000 or £40,000 than the sum voted for 1859. This reduction was not accidental; it arose out of the systematic determination of the Chancellor of the Exchequer to reduce the amount even for educational purposes. Of this they had several proofs. One was that the grant for buildings was placed on a reduced scale. In the next place, notice had been given that those schools known as refuges, which dealt with the most destitute class in the country, and rendered the most valuable aid in rescuing from ruin the thousands of poor children who swarmed in our towns, must not, after the close of the current year, expect to obtain the assistance which they had hitherto received. In his humble opinion no economy could be more unwise or injudicious than that. Then the decrease in the Vote for reformatories he found to be £8,200, and that, too, he could not help regarding as a most unfortunate retrenchment, looking upon it even merely as a question of pounds, shillings, and pence, and the economy which was to be attained by the saving of those children to whom he adverted from crime. Now, he might just observe, while dealing with that part of the subject, that although an appeal he had made to the Government for an increase to these schools was sternly refused by the Chancellor of the Exchequer, the House was that evening to be asked to vote, under the head of national education, a sum of £100,000 for the cultivation and improvement of science and art. To the granting of public money for that purpose he had no objection, but then he was opposed to the Vote being accompanied by a virtual declaration that we could no longer afford the necessary amount for the instruction of those among our fellow-countrymen who were too poor to educate themselves. In order to illustrate his meaning, and to show how the present system worked, he might mention a case which came within his own knowledge. Under the superintendence of the department of science and art, examinations were held in various parts of the country, and one took place in December last in Brighton, where it happened that his youngest son was at school at the time. Having a considerable taste for drawing the boy determined to become a competitor at an examination in that accomplishment, under the auspices of the department to which he was referring, and had the good fortune to obtain a prize, a first cousin of his, who also competed, being then equally lucky. Now, those prizes were paid for out of the grant given by that House. He was very glad, of course, that his son should be successful, but he could not understand with what consistency Parliament could vote a large sum of money for prizes which might be competed for by the sons of Members of that House when it appeared from the Report on the table that there were 15,000 schools in England languishing for want of funds, and unable to give to the poor that elementary training of which they stood so much in need, and when, at the same time, it was said that no aid whatever could be given to the most destitute and most helpless class of all—namely, those Arabs of our great towns who were educated in ragged schools. He would not detain the House further than to say that he held the Report of the Commissioners to be most important, as bearing upon the business in which the House was about to engage—making the annual grant for education. He believed he was now justified in saying, with a degree of confidence, greater than that with which he had ever said it before, that whatever might be the merits of the existing system—and he, for one, had never denied them—it was impossible to expect that the educational requirements of England could be adequately met by that system alone. The able Report of the Commissioners, for which the country could not be too grateful, had proved to demonstration that the system under which education was now superintended should be enlarged. He had given notice that he would address an inquiry to the Government upon this subject, but he wished to state that he had no desire to press the Government to announce any definite decision; on the contrary, he should be sorry if they were to do so. He had often urged the importance of the subject, but he had never denied its difficulty. The Report of the Commissioners was a very voluminous and a very complicated document; the evidence by which it was sustained was still more voluminous; and he thought it would be most unreasonable to expect that any Government could, in the few months which had elapsed since the Report was presented — and those months occupied by the incessant business of a Parliamentary Session—have made up their minds as to the precise course which they ought to pursue. He thought, however, it was not unreasonable to ask the Government to tell the House whether they would seriously consider the contents of the Report with a view to legislation at no distant date. The circumstances of the present moment were peculiarly favourable. In the first place the noble Lord the Member for the City of London, who had long been a consistent and warm Friend of education, and whose views were in entire harmony with those of the Commissioners, was now a Member of the Government. The noble Duke who presided over the Commission had also a seat in the Cabinet. Circumstances, therefore, were most favourable, and made him sanguine that the Government would approach the consideration of the Report with an earnest desire to found upon it some measure which might supply those deficiencies in the present system which could hardly be disputed or denied. Every one who had perused the Report must have observed the fairness with which it was compiled, the research by which it was characterized, and the great ability with which the whole investigation had evidently been conducted, and it was impossible to refuse assent to conclusions which had been arrived at after long, careful, and impartial inquiry, and which were stated in a tone at once temperate and judicious. He hoped, therefore, that he should receive from the Government an assurance that they were aware of the deep importance of the Report; that, although the House could not now expect from them any detailed information as to the precise character of the measure which they might deem it their duty to prepare, the subject dealt with in the Report would receive their serious attention, and that at no distant day—he hoped in the next Session of Parliament—they would be ready to propose such legislation as after mature deliberation they might think the case required.

MR. HENLEY said, he cordially joined with his right hon. Friend in advising the Government to give the long and able Report of the Commissioners their most serious consideration during the recess. He was willing to believe that no one would be more satisfied than he would be with the mode in which, in all human probability, the Government would deal with that Report. At the same time he was not surprised that his right hon. Friend should have congratulated himself upon some of the contents of the Report. There was much in the Report which seemed to give some sanction to the opinions which his right hon. Friend had often and strongly expressed in that House and elsewhere, and which, unfortunately, appeared to give still stronger sanction to a system which had many stanch supporters in the country, and to which his right hon. Friend himself was almost a consenting party in his second Education Bill—the system, namely, of secular education. His right hon. Friend had read to the House a passage in which he said the recommendations of the Commissioners were identical in principle with his own. What were those recommendations? The Commissioners discussed the merits of what was known as the Manchester School Bill, and, after bestowing some praise upon those by whom that measure was framed, they stated that it failed partly because the ratepayers would not accept the burden which it imposed, and partly because it appeared to endanger the religious character of the teaching. Precisely the same objections were urged against the three Bills of 1855, including the two brought forward by his right hon. Friend himself. The Commissioners did not give any opinion one way or the other; but after expressing their approval of one of the leading principles upon which those measures were founded—namely, that of calling forth local action, as essentially requisite in any national system—they added the following proviso:—

> "But even this advantage would be dearly bought if it produced a negligent management, or injured the religious character of the schools."

He thought the gratification of his right hon. Friend should be somewhat qualified by that observation of the Commissioners. His right hon. Friend expressed the opinion that what he was pleased to call the enormous expense of the existing system should be supplemented in some way or other. So said the Commissioners; but what was the wonderful addition which the Commissioners proposed to make to the present system? It was the most curious addition which had ever been suggested, and might as well be done by the Privy Council as by Parliament itself. All that was wanted was a little more money. The plan was simply to pay so much a head for every child who could read and write. Such was the great supplemental scheme of the Commissioners and his right hon. Friend. The inquiries were to be conducted by the county boards and by certain local examiners consisting of schoolmasters, and every child who came up, he supposed, to a certain mark in reading and writing was to get 21*s.* or 22*s.* out of the county rates. If that wonderful discovery was to convert the present system from an absolute failure into a perfect plan of national education, making good all its deficiencies, why could it not be acted upon at once? The Privy Council could do all that was wanted just as well as if the money were to be taken out of the county rates. He suspected that they had discovered a mare's nest, if he might use the expression. If that was a right principle the Privy Council could carry it out as well as the counties, and a great deal better. The Report of the Commissioners was a very remarkable one in many respects. It was clear from their own statements that there was great division of opinion among them. On the most important points they seemed to be equally divided. The Report on every subject gave balanced opinions, so that hon. Gentlemen on both sides of the House might, if so disposed, quote from it passages in support of the most contradictory views. The Commissioners themselves spoke of the advantages of the existing system. They said they thought the existing plan was the only one by which it would be possible to secure the religious character of popular education. That was something in favour of the system on which, to say the least of it, his right hon. Friend had tried to throw cold water. They said it was unnecessary for them to enter on any proof of that assertion; it was enough for their purpose to say that there was strong evidence that it was the deliberate opinion of the people of the country that religious education was desirable. The Commissioners next said that their inquiries had impressed them with the conviction that no other system was practicable in the present state of religious feeling. He begged the House to observe that form of words "the present state of religious feeling," because it was quite clear, from other matters to which he would call attention, that the Commissioners at all events thought it possible there might be considerable change attempted in that respect. The Commissioners said—

> "Not only does it seem certain to us that the members of all religious bodies would be dissatisfied with any change, but the fact that religious education had been working with success on the basis of the present system during the last twenty years, has given such a position to that principle that any attempt to dislodge it would give a dangerous shock to the principle of religious education."

The next point was to see on what conditions the Commissioners judged that public assistance should be given to schools. He confessed he was rather surprised to hear his right hon. Friend throw it out as a matter of reproach that there were 15,000 schools in this country educating something like 1,200,000 or 1,300,000 children without touching a farthing of public money. He could not understand why people should not educate themselves and their neighbours if they thought fit. Why should they take public money if they could do without it? He had always been an advocate for assisting people that could not do without that assistance, but he was at a loss to understand why it should be made matter of reproach that a great number of schools were trying to educate the larger number of the people, and did not come to that House for a farthing of public money to help them. His right hon. Friend said, "See how everything I have been wanting is coming about." Six or seven years ago his right hon. Friend was utterly dissatisfied with the number of children educated. Now he confessed himself satisfied on that point. He had got the numbers; but he could not be satisfied without some further change to improve the quality. Now, his firm opinion was that, long before his right hon. Friend got the change, the quality would improve itself. That was the course of the English people. Show them a road, let them alone, and they would arrive at the end of it without any Royal road or State interference. Now, as to the recommendations of the Commissioners—on which his right hon. Friend recommended the Government to legislate—the House would find that not one single word was said about religious teaching. It was not mentioned as any part of their scheme. Public assistance was to be given on these conditions—that schools were properly drained and ventilated; that they should afford accommodation of at least eight square feet for every child; that they should be open to inspection and that they should not be unfavourably reported on. Bearing in mind what the Commissioners had said of the existing system in regard to religious teaching—bearing in mind that the existing system dealt with something like 1,000,000 children, and that between 1,200,000 and 1,300,000 children were being educated outside of this system, what did the Commissioners recommend? Let him go through the different grades. The Commissioners began, as might be expected, with infant schools, which they defined for children about seven years of age. They said the infants were not to be examined at all; but 20*s.* a head was to be paid for each. In the day schools, 22*s.* 6*d.* was to be paid for every child who had attended 140 days, and passed an examination in reading, writing, and arithmetic; girls being examined in plain work. Then came the Privy Council grants, which were to be 5*s.* 6*d.*, 4*s.* 6*d.*, and 2*s.* 6*d.* a head, according as the children were taught by certificated or uncertificated masters, or by pupil teachers, at the rate of thirty children to each pupil teacher. Not a single word was said of the necessity of any religious teaching—they might all be Manchester or secular schools for anything the Commissioners said. Was that all? The Commissioners gave them some insight as to how they thought education was to go on in these schools. They said—

> "The differences of religious belief could hardly arise in respect of such infant schools as formed independent establishments. It is scarcely conceivable that the instruction of children under seven years of age should ever be dogmatic."

Now, this was a very serious opinion to be put forward by gentlemen of such high standing and character. What was dogmatic teaching? Was the Belief dogmatic? Did the Commissioners mean that the children were not to learn the Belief till after they were seven years of age? Were not the Ten Commandments dogmatic, and were not the children to be taught God's law till after they were seven years of age? If they were taught nothing dogmatic before seven and had to quit school between ten and eleven they would not have much time to learn. With regard to inspection, the Commissioners were evenly divided, though the majority thought that the rule should be uniform, and that inquiries should be confined in all cases to secular instruction. They went on to represent that, in the opinion of the minority,

> "To separate the inspection from the religious teaching would, under present circumstances, be attended with serious evils, and would tend to injure the religious teaching of the schools."

If such were their opinion, why did they not recommend that things should remain as at present? Was he presumptuous in addressing those observations to the House? Since the publication of the Report, two important societies met, and they were far from remaining silent on the matter. Of one of these associations he did not know the exact title, but in a printed paper which had been largely circulated it was called — "The Committee appointed to watch proceedings in Parliament with reference to grants for National Education." It was no light body, for it included the names of the Duke of Marlborough, Chairman; Mr. Colquhoun, Deputy-Chairman; the Earl of Shaftesbury, the Bishop of Durham, the Bishop of Lichfield, the Venerable Archdeacon Sinclair, the Rev. Mr. Burgess, the Rev. J. Scott, Principal of the Wesleyan Training Institution; Mr. Hanbury, M.P., Mr. Horsfall, M.P., Mr. Long, M.P., Mr. Puller, M.P., Mr. Ker Seymer, M.P., Mr. Martin, and Mr. Reynolds. Consisting, as it did, of men of all sides and of all views, it was not an unimportant body, and the gentlemen of whom it was composed publicly declared that, in their opinion, if the recommendations contained in the Report of the Commissioners were carried out they would be destructive of the present system. The Commissioners admitted that in the opinion of the great body of the population religion and education must be closely connected; but the Committee declared that—

> "The Commissioners propose to make a radical change in that system, which by making the future education of the country in a great degree dependent on the county and borough rates, dispensed by the county board, would prepare the way for bringing the schools at no distant period under the control of the ratepayers, and thus speedily extinguish the religious element altogether."

His right hon. Friend had felt that the religious difficulty thus created would be insuperable, but the Commissioners got rid of the question by ignoring it altogether. The old National Society had likewise met, and in the concluding part of their Report they said, "they feel bound to state that in parts of the recommendations of the Commissioners they see grave danger to the maintenance of religious teaching in schools." It should be recollected that those bodies were composed of grave men, who were not apt to commit themselves to hasty opinions; that many of the Bishops were present when those expressions were adopted at the meeting of the National Society without dissent or difference of opinion; and, therefore, he could not be blamed for directing attention in a similar spirit to the recommendations of the Commissioners. His right hon. Friend had alluded to the very great share borne by the clergy in the education of the country, and his observations in that respect were perfectly just, but though it was right to give the clergy their due, it was not right to run the laity down by making unjust statements respecting them. His right hon. Friend stood godfather to a statement which ought to have been a little more considered before the Commissioners came to a conclusion upon it, and they seemed to have done so in general terms. The Commissioners, in order to obtain information, very properly selected certain unions in one or two counties; but deductions which were sound with regard to a particular area might be perfectly unsound if widely extended to the whole country, and, in his opinion, calculations affecting the whole of England could not safely be based on evidence drawn merely from 178 parishes. He fancied that he traced a little *animus* in that part of the Report of the Commissioners which his right hon. Friend said condemned the landlords. The Commissioners did not speak of landlords but of "landowners," and they assumed that an assessment of £508,000, to which they added an arbitrary sum of one-third, bringing the total amount up to £650,000, was the landowners income. Why they made no deductions for the house property in towns or for the tithes, he was at a loss to understand. But in estimating the means of landowners, as they were called, it seemed to him but reasonable also to remember that, generally speaking, there were such things as mortgages, and outgoings of various kinds, which must be taken into account as somewhat reducing that arbitrary gross estimated income. It was impossible for any one to close his eyes to the great pecuniary sacrifices which the clergy made in maintaining the schools; but it would have been quite possible for the Commissioners to give them the full credit to which they were entitled without building up a case, which he believed to be exaggerated, against the landowners. He would ask the Government to consider, but certainly he warned them that if they legislated in the direction of the Commissioners' Report, they would not have a very easy task, for they would find rocks ahead.

In the first place, it appeared that they paid £500,000 for the instruction of the 900,000 children in what were called the assisted schools. That was the amount paid to schoolmasters and teachers in capitation grants; yet the Commissioners stated that there was overwhelming evidence that not more than one-fourth of the whole 900,000 children received a good education. That, considering the amount paid, was not very satisfactory. The Commissioners further stated that they were obliged to come to the conclusion that the instruction given was commonly too ambitious. They then went on to say that it was superficial in its character, and had been too exclusively adapted to the elder, to the neglect of the younger children. Their conclusion was this — that "the children do not, in fact, receive the kind of education which they require." That was a most important matter. If the system was as defective as the Commissioners described it became a pure matter for the right hon. Gentleman the Vice-President of the Committee of Council to declare "Aye" or "No" whether the Government did or did not approve of it. The Committee alluded to the difficulty of keeping children in those schools up beyond the age of ten or eleven years, and then asked whether it was not possible to give them a good education prior to that age—one such as was absolutely necessary for the minds of common men, and such as would form an invaluable substratum for later teaching. They went on pointing out the insufficiency of what was now being done, and said still that the system was a bad one because it wanted something. If the Committee of the Privy Council believed that the Commissioners were justified from their small examinations in drawing general conclusions, it was in their power to rectify much of what they complained of by means of their own examinations. The Commissioners observed that the children remained long enough to read, write, and cipher; but they followed up that with the remark that a large proportion of them neither wrote well nor read well. Then followed the remark that trained teachers often neglected an important part of their duty. Four or five or more years ago, when he quitted the Privy Council, Canon Moseley reported, that unless the children could be kept longer at school that the masters were too high, and that if we could not keep children at school beyond ten or eleven years of age we ought to have an humbler class of teachers. There was another report which was wholly conflicting and contradictory. He held in his hand a Report of the Inspectors of the Committee of Council; and it and the Report of the Commissioners were as conflicting as light with darkness. The inspectors stated, with reference to catechism teaching, that out of 5,647 of the schools inspected for that class of instruction, 5,112 were deserving of being placed in the column headed "excellently, well, or fairly." Then came their report on schools inspected for "reading." The whole number was 7,500, out of which 6,679 were reported in the column "excellently, well, or fairly." In both these cases there was a most distinct difference from the Report of the Commissioners. It was for the right hon. Gentleman the Vice President of the Committee to tell the House who were right —the Commissioners or the inspectors. Then came writing. It appeared they were better at writing than reading, for 6,782 good reports were given under that head out of 7,186 schools inspected, and there was also a good account given of the progress made in arithmetic, for out of 7,469 schools 6,235 were reported as good. Looking at the Report of the Commissioners one would not suppose that these children who were so bad at reading could have made much progress in grammar; but curiously enough grammar was one of the points on which the Privy Council Report was favourable. Out of 5,800 cases which had been inspected 4,300 were marked "excellently well," and "very well." Now, he was unable to reconcile that statement with the facts mentioned in the Report of the Commissioners. He wished to know the truth upon these matters, whether, as stated by the Commissioners, we were only getting a fourth part of the 900,000 children in the schools taught, or whether the glowing language of the Privy Council Report was throwing dust into the eyes of the community, and leading them to believe that a better state of things existed with regard to education than actually did? He thought the Privy Council should turn their attention to the matter during the recess, and see if it would not be better to teach the children to read, write, and cipher, and let alone some of the higher matters to which their attention was turned. They might also give something like a fair statement of what the children were actually doing. The Commissioners made one very curious recommendation to which he could not help calling the attention of the House. Speaking of the training schools, they said there was one omission—and a curious one it was—which had left on their minds a painful impression. We had always been taught that cleanliness was next to godliness, but the Commissioners had discovered that the very first thing next to godliness was political economy. It was, in their estimation, a most important thing that these children of ten and eleven years of age should be taught political economy, and it was a capital defect in the training masters that they did not teach political economy, and, next to that, sanitary science. His right hon. Friend opposite was at the head of education and of sanitary science also, and he would have ample time during the recess to inoculate, not to vaccinate, the training masters with political economy and sanitary science. The Report said—

> "The omission of one subject from the syllabus has left on our minds a painful impression. Next to religion the knowledge most important to a labouring man is that of the causes which regulate the amount of his wages, the hours of his work, the regularity of his employment, and the price of what he consumes."

The marginal note was "Omission of political economy." One of the Commissioners, he believed, was formerly a professor of political economy, though how much that had to do with the recommendation in the Report he was unable to say. There was, however, one short sentence in the Report of the Commissioners which, if all the rest were done away with would entitle them to the thanks of the country, and that was, their description of what a schoolmaster ought to be, and what he ought not to be. That passage bore pointedly on the great object they were aiming at—the training of men qualified to teach the children of this country. They said:—

> "The occupation of an elementary schoolmaster is not well suited to a young man of an adventurous, stirring, or ambitious character, and it is rather a misfortune than otherwise when persons of that temper of mind are led into it by the prospect which its earlier stages appear to afford of rising in the world socially as well as intellectually. It is a life which requires a quiet, even temper, patience, sympathy, fondness for children, and habitual cheerfulness."

A more beautiful description of what was necessary in a man whose duty it was to instruct children was, he believed, to be met with nowhere. But the Report proceeded—

> "It wants rather good sense and great intelligence than a very inquisitive mind or very brilliant talents, and the prospects which it affords appear well calculated to attract the class of persons best fitted for it."

In reference to that, however, he thought the right hon. Gentleman the Vice-President of the Board of Education would excuse him if he asked him, and asked the House, whether the means practised for raising up schoolmasters were likely to secure men that would come within the first or last of these descriptions? They took the quickest child in a school, one possessing the greatest energy, and forced him up by artificial means in what he might call a kind of hotbed. When the boy went into the training school, the same process of forcing was continued. The Commissioners used the word "crammed." He did not wish to employ strong language; but it was impossible to read their valuable Report—valuable taken as a whole though he differed from their conclusions—without seeing that it was almost demonstrated that the system of training pursued would not produce the class of persons who were best calculated to teach the humbler branches of education. These humble branches, the Commissioners said, were the principal things to be taught; but in every page of the Report they found it stated that the teachers preferred employing themselves in the higher classes, and that the grinding work of teaching reading and writing to the small children was positively distasteful to men whose minds and intellects had been sharpened up to a high standard. The article they produced was higher than was wanted, but if these training schools produced teachers that would suit the 15,000 schools that required elementary education, depend upon it it would not be necessary to come to that House for £100,000 for training schools. If, however, these institutions would have Oxford and Cambridge men at the head of them; if they would train men by examination papers of so high a character that half the Members of that House would turn their backs upon them; and if such men were to teach children of ten or eleven years of age, it behoved those who had the charge of this grant to look more closely into this matter, and tell the House next year how far they agreed, and how far they disagreed, with the statements of the Commissioners. It would be well also if they would tell the House whether they thought that the addition of political economy and sanitary science would make these learned masters buckle down to the difficult and distasteful task of teaching these young children to read and write. Whether the forcing system for pupil teachers would produce these men of cheerfulness, of fondness for children, and of patient mind was a matter in regard to which he had no experience that would enable him to give an opinion. He merely stated these things. He had looked very closely through the Report, and had read every page of it; and the evidence which the Commissioners took did not bring him quite to the same conclusion that they had drawn. He was only sorry to have occupied so much of the time of the House. But a strong appeal having been made by the recommendations of Commissioners to the Government to act in the direction indicated, he could not help rising to offer his opinion.

Mr. LOWE said, he would suggest that the House should go into Committee, when in one address, he could make his statement and answer the remarks of the two right hon. Gentlemen who had spoken.

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee.

Mr. Massey in the Chair.

(In the Committee.)

(1.) Motion made, and Question proposed,

“That a sum, not exceeding £643,794, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Public Education in Great Britain, to the 31st day of March, 1862.”

Mr. LOWE: Sir, the Estimate for this year was necessarily forwarded to the Treasury before the Report of the Commissioners was received, and the consequence is that there will be found no trace of any opinion or any measure which the Government might have adopted in consequence of that Report. The Estimate is of a very ordinary character, being only £5,000 in excess of the Estimate of last year. I will first, with the permission of the Committee, confine myself to a very short statement of the contents of the Estimate, and I will then pass on to those topics raised by the right hon. Gentleman, which are of such great and overwhelming interest. The right hon. Gentleman the Member for Droitwich has stated that the Estimates of this department reached on one occasion the sum of £836,000. That was an error in fact, although I attach no blame to the right hon. Gentleman for falling into it. The Estimate to which he referred was that of 1859-60, which was the first that I had the honour of moving. That Estimate was increased by the deficiency of three former years, amounting to £75,000. The real Estimate of that year was £761,000. In that year the number of children found in schools under inspection was £821,000. In 1860-1 the number of children was increased to 880,000—that is, an increase in round numbers of 60,000, and the Estimate was £798,000, an increase of £37,000. In the present year the Estimate is £803,000, and the number of children 962,000. I trust, considering what we have heard of the vast increase of these Estimates, the Committee will not consider this an unsatisfactory Estimate. Within the three years during which I have moved these Estimates the number of children has increased by 141,000, while the Estimate has only increased by £42,000. Considering that during the three or four preceding years the increase in these Estimates was at the rate of £100,000 a year, I think there is some cause for congratulation that the advance has been so small; and I do not think I deserved the rebuke of the right hon. Gentleman the Member for Droitwich, who first complained of the large amount of this Vote, and then reprimanded me for having endeavoured to practise some economy in it. I have done very little in that way, for during the whole time I have been connected with this Department this matter has been under the consideration of the Commission, and every change has been hung up until their Report was made. The reduction that has been made has been attributable, I believe, to two causes—one the reduction in the number of pupil teachers, which was effected by the right hon. Gentleman the Member for North Staffordshire, and the other the reduction in the building grants, which was effected by the Lord President and myself, reducing them by three-eighths, which did not diminish the number of applications. And I cannot, I confess, join in the regret that some £40,000 a year have been saved to the public without any apparent damage to the progress of education.

I will now pass on to the criticism which the Commissioners have made on the working of the department, and upon which I have been challenged so keenly by the right hon. Gentleman the Member for Oxfordshire to plead guilty or not guilty. As I have taken down the charges brought against us, they are four in number:—First, the great expense of the present system; secondly, the defective instruction given under it; thirdly, its complexity; and fourthly, its inability to reach remote rural districts and the lower parts of towns. The expense, the Commissioners compute, will, if it goes on at the present rate, amount in the course of time to £2,100,000 annually. They say truly that is an enormous expenditure. When I look at the criticism of the Commissioners I endeavour to discriminate how much of the fault is that of the system on which we are working, and how much is to be attributed to its imperfect administration. Now, I am perfectly satisfied that, whatever may be the merits or demerits of the present system, it can never be a very economical system; and for this reason—if people are spending their own money, or spending money under local control, they may be forced to economise; but all that a central body, such as the Privy Council, can do is to require that certain conditions shall be complied with in return for these grants. There is no doubt that those who are richest and best able to pay are those who are best able to conform to these conditions. Therefore, there is always a tendency in a central system to aid those who can best afford to spend their own money. The income of schools is drawn from two sources; first, the private charity of the local managers and the pence of the parents, and next, the money of the Privy Council. When you have two independent sources of income of this kind, it is very difficult, if not impossible, to adapt one to the other so as to avoid all unnecessary outlay. No doubt there are expenses in this system that may be, in some degree, diminished, and I shall, when I recur to that subject, endeavour to point out the means of reducing them. I admit the present system is expensive, but it is the duty of those who have charge of the system, as faithful guardians not only of the system but of the money that is spent on it, to make the administration as economical as they can, and thus give it a chance of vitality; nothing is so likely to bring a system to the ground as making it needlessly burdensome and expensive. I, therefore, regret that I cannot kiss the rod which the right hon. Gentleman has held out to me. I do wish to economise this grant, and to make it go as far as possible.

Another charge brought by the Commissioners is that our instruction is deficient. They say it is too ambitious and too superficial; that not one-fourth of our children are properly taught, that the younger and lower boys are neglected for the sake of the upper classes, and that each child ought to be able to read, write, and cipher in an intelligent manner when he leaves school. I am asked whether those charges are true, and I am called upon to compare these statements with those of the Inspectors, and decide between them. All that I am responsible for in the reports of the Inspectors is for collecting and tabulating them. I think it probable that this criticism is in some degree well founded, because I never saw a public school in England where too much attention was not given to the upper classes, and to the clever and forward boys who repaid by their advancement in learning the care and attention they received, in comparison with those modest, unassuming, and patient characters who have enlisted on their side the sympathy of the right hon. Member for Oxfordshire. I can see no reason why the schools intended for the poorer classes should not be subject to the same influences, and there ought, besides, to be taken into consideration the great number of children who leave school at too early an age to receive the instruction which they ought to have. I am, therefore, quite willing to admit and believe that there is some justice in the statement, and, though I hope that the system is capable of great improvement in this matter, I do not expect to see the time when the same thing may not be said, with more or less justice, of the public education of the country.

There are also clauses which are not inherent in the system itself, but which arise in the working of the system, and which tend to aggravate this evil. The right hon. Gentleman has spoken of the high teaching of the schoolmasters. I do not say whether it is too high or too low, but this I will say, that it is not quite fair to represent the schoolmaster as a person who is always to teach children not more than ten or eleven years old. If that were so, nothing would be more absurd than the amount of training the schoolmasters receive; but they are called on to perform double duty, and to teach not only children in the schools, but also to instruct pupil teachers, out of whom future schoolmasters are to be made. Therefore, their capacity must be such as will enable them to instruct ordinary children, and also to teach up to the age of eighteen years those who are to be teachers themselves. Of course, had the original plan been carried out, of placing the training colleges in the hands of the Government, I should have felt a more direct responsibility on this point; but it was thought fit to work them on the same plan as the ordinary schools, and though they are in the hands of most excellent persons throughout the country, it is not always in our power to enforce upon them exactly what we wish. With respect to what has fallen from the right hon. Member for Oxfordshire, I really think that the schoolmaster should be taught some political economy in these days of strikes; so that the person who is looked up to as an authority next to the clergyman in his village should be able to give some sensible opinion on those melancholy contests about wages; and if he knows a little less of the wars of the Roses, or of the history of the heresies in the early Church, and more of the principles which regulate the price of labour, and should be able to impress on his hearers the doctrine that wages do not depend on the will of a master, but have a law of their own to regulate them, I think his ability in that respect would be very serviceable. And, further, I should

not regret if a little of what the right hon. Gentleman calls sanitary science were added to his instruction. I do not think that it would be amiss if the schoolmaster in a village were able to demonstrate the advantage of good drains and sewers in preventing disease and death; and if he were instructed in vaccination, so that he might avoid the errors of the hon. Member for Finsbury. Neither should I think it amiss if he were able to teach the people that they would do wisely to throw open their windows and promote ventilation; and particularly when their families were weakly to select situations for living in which were healthy. Such knowledge as that may appear ridiculous when called by a grand name, but it is, nevertheless, extremely useful. I have already said that we in some degree aggravate the evil of imperfect instruction. The object of the Privy Council mainly was to create and maintain a proper standard of popular education, and to insure attendance. With these views we gave capitation grants on the attendance of scholars, and by augmentations of salary we have created a very high class of schoolmasters; but we have not, perhaps, taken so much care as we ought of ascertaining the work done; and in looking back to the system we think it quite possible that we have erred in not devising some machinery for testing more particularly the results. So far we may have something to answer for, if reading, writing, and arithmetic have not so much attention paid to them as they ought.

Of the next charge we cannot deny the truth—namely, that the system is one of great complication. The principle on which the Privy Council has gone has been that whenever they wished a thing to be done they paid for it, and they paid the person by whom it should be done. For instance, we wanted to have schoolmasters of a particular class, and for the purpose of obtaining them we augmented the salary, as they passed through the three grades of certificates; and in the same way, increased payments were made to the pupil-teachers at certain periods during their apprenticeship of five years. The number of certified teachers is about 7,500, that of pupil-teachers about 15,500, so that the two classes together amount to 23,000; and we pay every one of them by Post Office order sent direct to his address. We keep a registry and a biographical notice of them all, so as to be aware of their character. No doubt, this system is in this advantageous, that we reach these persons directly and they communicate directly with the Government, and we have security that what money we spend is applied as we wish; but it entails enormous expense and labour. We have also to correspond with 6,000 managers of schools. I have now adverted to the faults which the Commissioners find with the system, and I am bound to say that I have no means of judging how far they or our inspectors are right, and how far it is possible to reconcile any conflicting statements. Probably all the statements on both sides have some foundation, and are entitled to the serious attention of those who wish to make the department as perfect as possible.

I perceive that, notwithstanding the faults which the Commissioners find, they recommend the continuance of the present system. It would not become me in my situation to enter into a question so large as that, but this I will venture to say—that in making that recommendation, the Commissioners, so far as I can understand the case, express, I will not say the opinion of the whole country, or of philosophers, or of persons of great powers of abstract thought, but they express the opinion of those to whom education in this country owes almost its existence—of those who gave both time and money to promote education before the present system was called into being. If we have spent £4,800,000 in educating the people, private liberality has spent double that sum. In fact, the question as to what system of education is to prevail will be regulated by the opinion of those whose hands maintain it. So long as it is the opinion of those who contribute to the maintenance of the schools that the present system is the right and the best one so long will the present system continue. It would be merely wasting the time of the House to debate the matter. As I am anxious in addressing the House to economize time, I will merely now say that it is not the intention of Government to infringe on the organic principles of the present system—namely, its denominational character, its foundation on a broad religious basis, its teaching religion, and the practice of giving grants from the central office in aid of local subscriptions, the propriety of those grants to be ascertained by inspection. I do not require to wait until next Session to make this declaration.

The next question for consideration is how can the faults pointed out by the Commissioners be remedied consistently with the preservation of the system itself. I looked into their Report to see if I could find a remedy for the evils which the Commissioners have pointed out. Their diagnosis I admit is good, but I was anxious to ascertain whether they applied a cure for the disease. Before I go further, however, I may mention that one of the objections raised by the Commissioners against our system is that it does not and cannot cover the whole of the country. Now, the truth of that charge I at once admit, but I am afraid the evil is a necessary concomitant of a Government grant based upon voluntary efforts. The existing system presupposes voluntary subscriptions, which are naturally not found to be forthcoming in the remote rural districts, nor to a sufficient extent in the lower and poorer parts of towns, and, therefore, it is quite clear that unless we establish a mongrel system by lending Government aid in particular cases, where voluntary subscriptions do not exist, and in other cases refusing to give it except where such subscriptions are afforded—a mode of proceeding which would, in all probability, be found to end in the one system supplanting the other—the evil complained of cannot, although it may be mitigated, be, under present circumstances, obviated. I now come to the recommendation of the Commissioners, and I would ask the Committee to consider how far they point out a remedy for the evils to which they advert.

They, in the first place, in dealing with the question of expense, confine their reductions to the abolition of the book grant; the rest of their scheme consists in transferring the payment of part of the money from the central authority to the county rates, and as far as economy is concerned must be looked upon as something like the joke of Mr. Liston, who used to fine himself by transferring money from his right hand pocket to his left. I am of opinion, therefore, that the suggestion of the Commissioners does not do much to help us in this respect, because, although we may, by acting upon it, diminish the amount of these estimates, yet the expense must in another shape come out of the pockets of the public. The Commissioners further propose, with a view, I believe, to remedy the complexity which they point out in our arrangements—the defects in our teaching, and also the imperfect development of the present system throughout the country—an elaborate plan. They say there should be two kinds of grants made to our schools—the one to be paid out of the funds at the disposal of the Government; the other out of the county rates. The fund at the disposal of the Government they recommend should be paid in the shape of a capitation grant on each attendance of children attending a certain number of times at these schools, and paid in proportions which it is not easy to understand, according as they happen to be under certificated masters or pupil teachers. That is the plan suggested in the case of the one grant; while in the case of the other the proposal is that there should be county boards appointed; that they should appoint schoolmasters who should examine the children, and that for each child who satisfied the examiners in reading, writing, and arithmetic, a certain sum should be paid. The same plan with the necessary modifications is to be applied to boroughs.

Now, the question has been asked whether the Government are prepared to take this scheme into their consideration, and to introduce a Bill next Session for the purpose of carrying it into effect. Before, however, I answer that question, let us pause for a moment to see to what the proposal amounts. The duties to be thrown on the county boards, the Committee will observe, are of a character purely ministerial. They will have to appoint the schoolmasters who are to examine the children, and upon the representation of those examiners the county boards will have to pay a certain sum. That being so no discretion will, so far as I can see, be vested in the county boards. Indeed, the only discretion which it appears to me will be left to any one is that which will rest with the schoolmasters, who may make a favourable report or otherwise, as they please, and thus influence the amount to be paid out of the county rates. In the case of local government, you have a good and an evil. The good is superintendence on the spot of funds raised on the spot, and greater economy and closeness of management. The evil is placing the tax on a smaller fund, and entrusting it to bodies less intelligent than central authorities chosen for the purpose. In this instance, however, we are called upon to reject the good and retain the evil. You are asked to make those county boards mere paying machines, withholding from them that control over the payments which they are to make, without which it would, in my opinion, be hardly reasonable to ask them to undertake the duty, and in the absence of which, I quite concur with the right hon. Gentleman opposite, local management is of little avail. That being so, I am not, I confess, without my doubts as to the figure I should make if I were to come down to the House and propose to impose this burden on the county rates, and I should, I must admit, much prefer that the task devolved on some one else.

There is also another matter in connection with this scheme to which I wish to allude. It is proposed that grants, in the cases in which a satisfactory examination has been passed in reading, writing, and arithmetic, should be given not merely to those schools which are under certificated masters and pupil teachers, but to every school indiscriminately. Now, we may, it seems to me, learn a lesson in this matter from the history of the present capitation grant. That grant was originally imposed with the view of assisting small rural schools, but as soon as it was established great difficulty arose in defining what were rural schools; much correspondence took place on the subject, and the result was the grant, which at the outset was intended for the small rural schools, was absorbed in our large towns by schools for the benefit of which it was never designed. Let us take a lesson from this. We are asked to make certain payments, based on the results of certain examinations. Who will get the largest proportion of that grant? Will it be the small rural schools which have certificated no master and no pupil teachers, and which may be kept by old soldiers or sailors, or will it not rather be those schools which possess all the means of providing a better description of education? We should have broken down a principle without giving effectual aid. I trust the Committee will not deem me guilty of presumption in making these observations with respect to the scheme in question. The fact is, I have been obliged to direct my attention to it, with the view of considering whether it was one which it would be desirable to adopt; but, while I entertain the utmost respect for the Commissioners, and while I admit the justice of their representations even in those instances in which they are in some degree unfavourable to ourselves, I should not feel justified in proposing their plan for the adoption of the House. It is recommended that we should give aid to private adventure schools, but I cannot acquiesce in the expediency of acting on that recommendation. Those schools are mere commercial speculations. We should in their case have no responsible person to deal with, no guarantee that the moral teaching, the discipline, and the tone of the school were what they should be, such as we obtain by the presence there of a master regularly trained to his occupation whose character and antecedents are known to us. Besides, nothing could be more injurious to the present system than, having set up a high standard, to go, as it were, in opposition to ourselves, in order to meet the case of those who cannot come up to that standard—a course which we are perpetually solicited to take in the case of the ragged schools.

I now come to that part of the recommendations of the Commissioners which might be met by a Minute of the Privy Council. It is proposed that in those cases in which there are thirty children under a pupil teacher there should be paid annually half-a-crown a piece capitation, making thirty half-crowns, or a few shillings short of £4. Now, the average pay of a pupil teacher at the present moment is £15, so that if we were to adopt this suggestion we should be striking off £11 from this salary, and thus doing that which would tend to break up the present system, although it is quite clear that the Commissioners had no such intention. The main difference between a pupil teacher and a monitor is, that while the latter is engaged by the job, that is to say for a week, a month, or a year, the pupil teacher is apprenticed, with an engagement for five years. During the first two of these five years he may be of little importance, but during the last three he becomes a valuable junior master, and if you were to replace him by a monitor, you would be dispensing with his services just at the moment when they were becoming really useful. The plan of the Commissioners does not, as far as I can see, provide for the long engagement which lies at the root of the pupil teacher system.

Therefore, Sir, having considered these recommendations, I come, I am sorry to say, to the conclusion that the Commissioners have found very grievous faults with us, and have left us with a set of recommendations which do not enable us to remedy those faults. They point out our imperfections, and leave us "with all our imperfections on our head," without giving the means to remove any one of them. It is for us to consider whether, admitting the justice of the criticism we have undergone, we can hit on some remedy, and I think it possible to do so. As to the matter of expense, there are certain reductions, with an enumeration of which I will not trouble the Committee—excrescences of the system, the removal of which will not impair its efficiency. I think it very proper to make those reductions, and I hope in a few days to lay a Minute upon the table in which those reductions will be made. We have not hitherto been able to make them, because they refer to matters which have been before the Commissioners. I think we are bound to do what we can in that way. The reductions work no change of a fundamental character, and I, therefore, prefer to leave them to be enumerated in the Minute.

There is one subject upon which I am not prepared to make any proposition, but to which I am anxious to call the attention of hon. Members. I do it in the most conciliatory spirit, wishing to say nothing which can annoy any one. But it is a point upon which I feel it to be my duty no longer to keep silence. I have never spoken of it before, because I have been waiting for the Report of the Commissioners, and now I only mention it for the purpose of making an appeal to those with whom the remedy rests. I allude to the position of the National Society with reference to the Privy Council. I give every credit to the National Society. It is an older body than the Committee of the Privy Council. It has done great service to the cause of education, and it would ill-become me to speak of it in any terms except terms of respect. But the position which I occupy in relation to the National Society is hardly tolerable, and I think it cannot appear to the society in the way it strikes me, or they would be ready to apply a remedy. The National Society was founded for the education of children in the doctrine and Liturgy of the Church of England. Whenever a school is founded by that society, part of the trust declared in the deed consists of the terms of union. Those terms say in substance that the children—meaning all the children, although the word "all" has disappeared—shall be taught the Catechism and Liturgy, and shall attend Divine worship according to the rites of the Church of England, unless the managers shall remit that duty.

Mr. HENLEY: Not the managers—the clergyman.

Mr. LOWE: I beg pardon if I am wrong, and it is the clergyman, and not the manager, as the right hon. Gentleman says, but my memory is otherwise. But I think it must be quite evident to any one who is a lawyer, that applying the maxim *expressio unius exclusio alterius*, the right construction of those words is that one thing being left to the discretion of the clergyman or manager there is no discretion left with regard to the other two. That is the true construction of the terms of the National Society, and, no doubt, they are before the eyes of many when they subscribe to its funds. For retaining these terms of union, I have no fault to find with the society. We entered into a concordat with them with full knowledge of those terms, and if they adhere to them we have no right to complain. But what I do complain of is that the National Society have written to us a letter—and, indeed, I believe they make no secret of it—in which the say they leave to the managers of the schools the option whether they shall enforce this clause or not.

Mr. HENLEY: Not the managers—the clergyman.

Mr. LOWE: I state the managers. I may be wrong, but it makes no difference to my argument. With some one or another it is left optional. What I want to put to the Committee is the position in which I am placed in managing a public department. I am obliged to be a joint founder of a school in whose deed of foundation express trusts are declared, and before I become a party to the transaction I am told that those trusts will not be enforced, but that a contradictory system of action may be substituted. I am asked to grant money upon certain trusts, and, as I say, the manager, and as the right hon. Gentleman says, the clergyman may dispense with the accomplishment of those trusts. The National Society I contend should make their election. If they found schools upon an exclusive deed, though I should regret it, let them adhere to the trusts declared. If they relax the system let them relax the trusts of the deed, but do not let them force me to do that which I always do with shame—namely, to enter into a series of trusts with a distinct understanding that the terms may be violated. As a matter of economy, I think it is exceedingly desirable that the National Society should reconsider this question. Among all the difficulties—and they are many—this is the greatest difficulty in administering this grant. I am bound to the strictest impartiality. No one sect is to be preferred to another. The National Society come and ask for a school. The school comprehends a parish in which half are members of the Established Church and half are Dissenters. If I grant a school for the whole parish I run the risk that the managers will act on the trust deed, instead of on the licence of the National Society; and if they act on the deed, the flagrant injustice is done of saying to the Dissenters, "We are granting public money to which you contribute for a school, on the assumption that you will send your children there, although they cannot attend without learning a formula which is contrary to your religious views." The next thing is, the Dissenters get together and say, "We will not have our children sent to a school where these tests are enforced." They apply for another school, and make out a case which is irresistible. We grant another school, and thus the public funds are applied to establish two miserable schools where the children are ill taught, instead of one flourishing school which we might have, and which I should wish to see under the management of the clergy, teaching the doctrines of the Church of England, and only exempting those whose parents have conscientious scruples against their children learning her formulas. That is a great cause of expense, and a great reason why we do not penetrate into the country as we ought. It is a cause of untold mischief and heartburning in Wales, which I much regret, and I do hope the National Society will listen to my appeal to take the matter into consideration and to see whether they cannot alter the terms of union in such a manner as to meet the difficulty. I think that while leaving intact the objects of the Society they might respect the conscientious scruples of Dissenters, as the Bishops of the Church of England did when they agreed to the Endowed Schools Bill. I hope it will not be supposed that I have been at all offensive. I am only influenced by a strong sense of duty, and in what I have said I am fortified by a pamphlet recently written by the Bishop of St. David's, who, himself a strong and leading member of the National Society, gives it as his opinion that all the purposes of religious instruction would be well answered if the National Society would be content with the teaching of the Ten Commandments, the Lord's Prayer, and the Apostles' Creed—to which no Dissenter, excepting an Unitarian, has any objection—leaving the doctrinal parts in the Catechism and those parts which refer to the Holy Sacraments to the time when the child is prepared for confirmation. I have read that expression of opinion with much pleasure, and I hope it will have weight with the National Society in considering this subject.

Passing over the economies which we mean to effect, I come to the question—in what manner are we to deal with the defects which have been pointed out by the Commissioners? There are three faults found:—First, that we teach superficially, ambitiously, and imperfectly; secondly, that we do not spread our schools as widely over the country as we should; and, thirdly, that our system is full of complications. It seems to me that it is quite possible to suggest a system which may do something towards remedying all these defects. What we propose to do will be embodied in a Minute which will be laid on the Table as soon as possible. I will merely state the outline of the Minute, prefacing it with the assurance that the Committee need not be afraid that we contemplate any *coup d' état,* because the nature of the grant is such that we cannot make any innovations until the end of the next financial year. It appears to me that the complexity resolves itself into this, that not content with giving the grants on the performance of particular conditions, which I think is a right principle, we have also insisted on paying those grants to the persons for whom they were designed. It might be necessary before the system were organized to do this. But now we are in communication with between 6,000 and 7,000 managers of schools of the highest character, and have no reason to doubt that money paid for a particular purpose would find its way to its destination. If the payments are made direct to the managers, that will be an enormous advantage, even if the payments remain the same as now. This is a recommendation of the Commissioners, and it is also a recommendation of the Commissioners that the present separate payments shall be discontinued, and that, instead of graduated payments of the complicated nature which I have described, augmentation allowances to teachers, varying from £15 to £30, and allowances to pupil-teachers, varying from £12 to £20—payments in the nature of capitation grants shall be substituted. We think it will give great simplicity to the system, and much facilitate its working. But then comes the question, on what conditions shall the capitation grants be given? We think that at present the capitation grant is not given on sufficiently stringent conditions. We think we ought to be satisfied not only that the children have attended a proper number of times and that they have been taught by properly qualified teachers; but that something has been done worthy of the attendance and of the teaching powers of the masters. At the same time we must not be understood as proposing to base our payments upon results simply and by themselves. We think it would be rash and imprudent to sweep away a machinery which has been constructed with great labour, care, and dexterity—which, although it may be complicated and difficult to work, has answered many of the purposes for which it was designed—in order to substitute the new and untried plan of trusting merely to the results of examinations. What we mean to do is to take care that the capitation grant, when paid, shall be paid only upon our being reasonably satisfied that the desired results have been attained. We propose, therefore, to give the capitation grant on the number of attendances of a child above a certain number, provided always that the school is certified by the inspector to be in a fit state, and provided, also, that there is a certified master. These are the conditions necessary for the payment of the capitation grant; but, in order to spread the system more widely, we propose to create a fourth kind of certificate, which will be lower than the present certificates, which may be taken by a younger person, and which will probably be more available for the purposes of rural schools. Having thus secured attendances we propose to go a step further. We propose that an inspector shall examine the children in reading, writing, and arithmetic. If a child pass in the whole the full capitation grant will be given; but if he fail in writing, for instance, one-third of the grant will be withdrawn; if he fail in both reading and writing two-thirds will be withheld; while if he fail in reading, writing, and arithmetic, no portion of the grant will be paid. Thus, the Committee will see that we shall never pay anything for a child unless we have been satisfied—First, that he has attended above a certain number of times; secondly, that he has attended a school which is under a certified master; and, thirdly, that he has satisfied an inspector of his capacity in reading, writing, and arithmetic. I hope the change we propose may have some effect in correcting the evils in the teaching which have been complained of. Our object is to secure, as far as possible, that the attention of the master shall not be confined to the upper class of his school, but shall be given to the whole, and we endeavour to effect that object by making the payment of the capitation grant depend upon the manner in which he has instructed each child. I may add that we do not intend to break in upon the system of pupil teachers as now existing. I can hardly hope that I have made myself intelligible. The matter is one of considerable complexity, and I may be allowed to recapitulate the main features of our plan. We propose to give capitation grants on each attendance above a certain number—say above 100—the object being that we shall not be paying money for a child who has been taught by another master, and who is brought to the school merely for the purpose of earning the grant. We also require that there shall be a certified master, in order to secure good order, discipline, morality, and competent teaching. Lastly, the grants will be subject to reduction upon failure in reading, writing, or arithmetic. It will be seen, therefore, that when a grant is paid, we shall have secured, as far as we can, not only the presence of a competent teacher, not only the attendance of the child, but also some knowledge of the actual results of the teaching.

Sir JOHN PAKINGTON: Will the capitation grants be given in all cases on a smaller number of attendances than at present?

Mr. LOWE: I have not committed myself upon that point; but my impression is that the grants will be paid on a smaller number of attendances than at present, because there are other conditions which will make the capitation more difficult to obtain than at present. We intend to preserve the interests of all pupil teachers now under engagement, and to take care that all future pupil teachers shall serve as now for a period of five years.

I shall now briefly state some of the advantages which I think will arise from our plan. It leaves the whole system of the Privy Council intact. It merely substitutes one kind of payment for another, and that a much more simple and convenient one. It will be attended by a considerable diminution of trouble. It leaves to the managers of schools greater freedom of management than they have at present, and it has always appeared to me that, so long as certain indispensable conditions are complied with, you ought to minimize your interference with the management of schools. Heretofore we have endeavoured to provide the means. We are now extending our view, so as not only to provide the means, but also to see that those means when provided are used to the best advantage. That, I think, is a decided step in advance, because what is the good of attendances and of teachers unless they lead to real instruction and knowledge in the children? We also give the master a much stronger motive for exertion than he has at present. If his children do not pass the examination he will fall into disgrace with his managers; while, if they do pass, he will naturally be highly esteemed, and will have an opportunity of rising in his profession. Our plan, in short, will give an impulse to the profession of schoolmasters, and to the laudable ambition of men who wish to raise themselves in life. At present our schoolmasters are treated upon the principle which Mr. George Potter and his friends desire to apply to the case of all workmen. We first ascertain the capacity of a teacher, and then we pay him a certain sum whether he works or not, just as Mr. Potter contends that a man who is lazy and inefficient should be paid as much as a man who is active, industrious, and skilled in his trade. For that system we propose to substitute the wholesome stimulus which must be afforded by an inquiry into the actual results of the teaching in a school, testing the exertion which the master has used in teaching, not the upper class only, but all the children under his charge. Hitherto we have been living under a system of bounties and protection; now we propose to have a little free trade. Our plan carries out the idea of the Report, though free, I trust, from many of its objections. The Report suggests the propriety of our being satisfied that the children possess the elementary accomplishments of reading and writing. I think that suggestion is a valuable one, and we have acted upon it. What we propose to do is built upon the present system of the Privy Council. No attempt has been made to introduce any change. The schools will continue to be denominational, and religious teaching must be the foundation of all. The inspectors will still conduct a religious examination where they conduct one now; in short, there is no proposal to make any change in the religious character of the schools.

It only remains that I should point out the evils of the proposal. As the system spreads we must increase the number of inspectors. I am afraid that is unavoidable. We have considered the recommendation of the Commissioners that we should employ schoolmasters instead of inspectors; but it appears to us that, considering the delicate and difficult duties which inspectors have to discharge, and the social position of those with whom they come in contact, we ought to retain for their discharge persons of the same class as we have now. We believe the work will be more efficiently done by them than it would be by schoolmasters. They will, as I have said, increase with the extension of the system, but I hope not very rapidly. We must recollect that inspection and the increase of inspectors are evils inseparable from a central system. We grant money; it is necessary we should ascertain it has been properly applied, and we know not how we can get that information except through persons appointed to examine and report. But let me say that if the number of inspectors should become too large the Government and the House have the remedy in their own hands. The number of inspectors is far larger than it need be at this moment, because each denomination has its own inspectors, and it often happens that three or four gentlemen are sent to the same town to inspect the schools in it. That, of course, involves an enormous waste of time and money, and some good might be effected by making the same gentleman inspect all classes of schools, with the exception, perhaps, of those belonging to the Roman Catholics. However, we propose nothing of that kind; I merely point out what might be done. Another evil is that we shall pay over the money to the managers of a school, instead of to the person who is to receive it; and, therefore, we are not quite so sure that the money will reach the hands for which it is designed. That, however, is more a theoretical than a practical objection, and I have no doubt that the charitable and religious persons who manage schools will be found in every respect qualified to discharge this trust. I have now laid before the House, I am afraid at too great length, the views and intentions of the Government with respect to the Report of the Education Commission. I hope that, whatever hon. Gentlemen may think of our proposition—upon which, of course, I cannot expect them to deliver a judgment until they have seen the details—they will, at least, believe that we have honestly endeavoured to do our best under circumstances of great difficulty. We have endeavoured to meet the case as well as we could; and we hope, by the kind assistance of the House, to succeed in giving greater efficiency to the present system. The Committee must not expect from us impossibilities. We cannot combine in the same system the advantages of the voluntary principle with those of the system of local rating. We want to carry out the present system under present circumstances as far as we can. So far as we can elevate it, so far as we can make it more comprehensive, more efficient and more economical, we are most anxious to do so.

Mr. ADDERLEY said, he was sure the Committee felt, as he did, much indebted to the right hon. Gentleman for his most lucid and satisfactory statement. He entirely agreed with him in the general scheme of his remarks, and particularly with those made towards the conclusion of his speech. To a certain extent also he agreed with the remarks made by the Commissioners in their Report upon the existing system; they considered it to have worked well, and to deserve continuance; there were, however, blots and defects in the system which required alteration. But, at the same time, he considered that the recommendations made by the Royal Commissioners, however perfect they might be in theory, were wholly impracticable. He had no doubt that the changes adopted from their recommendation and those also proposed by the right hon. Gentleman, which were to be embodied in a Minute and laid on the Table, would remedy some of the most serious defects in the present system. He entirely coincided with what had fallen from the right hon. Gentleman with reference to the National Society. In his appeal to the National Society he did not ask them in any way to alter their terms of union. What was asked was strictly within their existing terms, and required no alteration whatever. He believed if the suggestion of the right hon. Gentleman were adopted the effect would be to place the Church, especially in Wales, in a much better position in reference to the education of the country population. The changes to be embodied in the Minute were directly addressed to the main defects of the existing system and would go far to remedy them. The modified application *in extenso* of the capitation grant, would be a means of the grant reaching, as originally intended, the rural districts. It would also simplify, not only the correspondence and business of the Privy Council, but would very much better the internal arrangements of the schools themselves. He also approved of the proposal to grant a fourth and lower certificate. It was a gratifying fact that the labours of the Royal Commission had been brought to an end, for during the pendency of their proceedings all improvements were necessarily suspended, but now they had a Report of a most interesting character, and their hands were untied to act as they pleased. He believed the Report would give general satisfaction from its most material feature, namely, that after most mature inquiry into the subject, extending over a period of three years, conducted by several eminent and able men selected for the purpose, with a large staff of very able assistants and an unlimited command of money, they had come to the conclusion that the existing system should be maintained, and that any changes which could be proposed were not to destroy the system, or in any way to strike at its roots, but merely to supplement it where it was found deficient. That must be satisfactory, for it would set at rest many suggested alterations and great uncertainty which had hung over the present system. Henceforth alterations would be addressed to detail, not to the essence of the system. The Commissioners had certainly in them proposed a supplemental system, made a suggestion which appeared to him to be wholly impracticable; he referred to the proposal to supplement the Treasury grants by payments out of county and borough rates. There were four objections to that proposal. Firstly, it was a needlessly complicated system to have two purses from which to draw; secondly, no Bill would ever be allowed to pass through the House of Commons that proposed to throw additional cost upon the county rates, but if such a Bill did pass it would be found that in the formation of the local boards religious questions would arise and render it perfectly impossible to obtain sufficient unanimity of feeling; thirdly, it was simply a proposal to relieve the bulk of the people for the purpose of casting expense upon special kinds of property; fourthly, it was suggested to open the grants to pupils of all classes of schools, no matter what their religion and so, for the first time, public money would go to secular schools. It would be absolutely turning the flank of the religious position which had always been maintained on this subject. The right hon. Gentleman the Member for Droitwich (Sir John Pakington) seemed to take a very favourable view of this proposal, and had referred to previous propositions of his own and of the noble Lord opposite (Lord John Russell), which were similar in their nature—as far as the proposition of local rates in aid—congratulating himself upon the fact that at last the House was recommended by a body of Royal Commissioners to carry out those suggestions. But the Committee would remember that he (Mr. Adderley) had also before made similar suggestions, and that some years ago he introduced a local rate Bill for Manchester. Upon that Bill a longer discussion arose than any private Bill had ever received; but the result of it was to prevent everybody from attempting to introduce a similar measure. It was comparatively hopeless, even though the proposition was only local; but if it was impossible to carry a local Bill for an educational rate, how much more impossible would it be to carry such a measure for all parts of the kingdom. The reduction of the Vote, on which the right hon. Gentleman had dwelt as an indication of failure or relapse, was to his mind a most signal proof of the success of the system, and the best promise of its permanency. When the Government aid grew so much out of proportion as to check voluntary contribution it was but proper that it should be reduced, and these reductions were generally followed by an increase of voluntary subscriptions. The right hon. Baronet said that the present system pressed heavily on the clergy, but that was no argument against the system. It was not the fault of the system but of the owners of wealth who allowed the pressure to fall on the clergy, and it would be most detrimental to the system, as a voluntary system, to attempt to relieve any special pressure out of the public purse. In the recent Report of the Commissioners it was stated that the system did not sufficiently meet the wants of the rural districts, and instances were mentioned, especially in the rural districts, where there were a great number of schools which did not obtain Privy Council aid. But it was not the system which did not meet the cases, but these cases which did not meet the system. For what was meant by the poorer districts? They were poor only in the sense that the owners of wealth impoverished them of the voluntary efforts which it was their duty to make for them. It was said this was a system which helped the rich; but that was a fallacy. It was a system which only helped the rich to help the poor. That the present system did not reach the poorer schools was because the managers of these schools objected to bringing them under Government control. That arose, no doubt, from the aversion to centralized authority and to receiving Government aid which was the characteristic of the English people, but at the same time if the managers of these small rural schools would bring them within the sphere of the Privy Council grant, instead of a miserable, wretched school, they might have a first-class school and a superior class of masters without spending a shilling more than at present, so large was the aid offered to good management. With regard to ragged schools, as the subject was now before a Select Committee, he would only say that it was not a little disappointing to find that those persons who had recommended a Royal Commission, and who had moved the Address to Her Majesty for its appointment, should be the first to find fault with it on a point where it did not exactly square with their views. If the Select Committee now sitting in judgment on the Commissioners reported in the same direction as the Royal Commissioners he hoped those Gentlemen would not ask for a third inquiry upon the report of the Select Committee on destitute children.

Sir GEORGE LEWIS: It is evident, I think, that the majority of the Committee is agreed that the system of instruction for the poor should be supported from some public fund. For some years the fund has been provided by this House, and large and increasing grants have been placed at the disposal of the Privy Council for the purpose. The main question which the late Commission were appointed to investigate was whether it was expedient that that system should be continued either wholly or in part, or whether it should be superseded by some other system of public assistance for the instruction of the poor. The conclusion of the Commissioners was substantially to uphold the existing system, but to recommend in addition a system of rating. I quite admit that the advocates of the voluntary system are represented in this House, but they do not form a majority here. Setting aside, then, those who think there should be no assistance from any public fund for the instruction of the poor, I can understand those who say, "Let there be no grant from Parliament, and let the whole of the elementary schools be maintained out of local rates. Let those rates be parochial as in Scotland. Let some parochial authority regulate and distribute the fund, and organize and control the schools. By that means you get the advantage of local management, of local knowledge, and of local inspection, and you save that which is a necessary concomitant and an undoubted evil of a central system—namely, the expense of inspection." These are the advantages of a parochial system of rating and of management. The disadvantages are that in the first place you necessarily confine your taxation to real property, which excludes a large number of wealthy persons who might in fairness be called upon to contribute to the expense of instructing the poor, but who, if you found your system exclusively upon local taxation, of course, escape. That is one disadvantage attending the system of local educational management. But there is another which I conceive to be the great practical obstacle to such a system, which is the impossibility that a parochial system should be denominational. You cannot have a variety of schools belonging to different religious sects in each parish, because the expense would be too great, and if you do not introduce the denominational system then you have to encounter a series of difficulties similar to those which arise in the case of church rates. The religious difficulty arises and must be contended with, and this has been proved to be insuperable by the advocates of the system of management by parochial rating. If these principles are admitted we seem to be thrown back upon an exclusive system of Parliamentary grants like the present, or we may have recourse to some system like that recommended by the Commissioners. I rise merely for the purpose of making a few observations upon the system which they have recommended, because it is important that the Committee should correctly appreciate the exact nature of that recommendation. What the Commissioners suggest is that there shall be a county board and a borough board for counties and for boroughs, and that these boards shall elect examiners of schools, who in all cases are to be schoolmasters. The boards have no other duty than to provide the necesssary funds out of the county or the borough rates, and to select these examiners, and they are to have no control whatever over any class of schools in the county or in the borough. This system clearly no more affords the advantages of local management, of local control, and local inspection, than the Privy Council system. The duty of the examiners elected by these boards is to examine the children in all the schools within the county or the borough as to their efficiency in reading, writing, and arithmetic; to give a certificate to each child according to the standard which, I presume, would be prescribed by the Privy Council; and upon the certificate so given it will be the duty of those boards to pay out of the county rates or out of the borough fund a certain sum in respect of each child who has received the certificate, which sum will be payable towards the expenses of the school. Now, the Committee will see that the county and the borough boards have purely Ministerial duties to perform, and, therefore, it is, in point of fact, a mere contrivance by which you obtain certain payments from the county or borough rate, instead of obtaining payments out of the public Exchequer. You have none of the advantages which belong to a system of local rating and of local action, and whatever arguments may be urged in favour of a system of parochial rating and management, and of local action and administration in respect of schools, are altogether wanting in the system of county and borough rating which is recommended by the Commissioners.

Mr. PULLER said, he rose to vindicate the National Society, of which he was a member, from the very serious charge which had that evening been brought against it by the Vice President of the Committee of Council. It had been said, that while the society required their terms of union to be inserted in the trust deeds of their schools, there was a sub-understanding that those terms should be violated. He denied the justice of that accusation. It was quite true that by the terms of union, as originally drawn up, it was expressly required that "all" the children should be taught the Catechism and Liturgy of the Church of England. Even if the rule so expressed had remained unaltered, there must, from the necessity of the case have been vested somewhere a discretionary power of determining how the rule should be applied, and what exceptions should be made, while probably no parent would object to his child learning some parts of the Catechism and Liturgy. It was in the nature of things impossible that every child should learn the whole of those formularies; and, in point of fact, it had not at any time been the practice to teach them in the infant schools of the society. But the argument did not rest there. In the year 1839 the society had altered its terms of union, by omitting the word "all," which might seem to prohibit all exceptions, and the rule as it stood now simply required in general terms, that "the children should be taught the Catechism and Liturgy." Now, surely, the fair inference from that alteration was that the society recognized the necessity that existed for allowing reasonable exceptions to be made. The society did not say what exceptions might be made or under what circumstances, but their terms of union pointed to the clergyman of the parish as the proper person to determine questions of that kind. In substance the terms of union provided that the children should be taught the Liturgy and Catechism, that the religious teaching should be under the control of the clergyman of the parish with an appeal, if necessary to the Bishop of the diocese, and that the question whether the children should be compelled to go to church or not should be at the discretion of the managers. The Commissioners in their late Report declared that the importance of the religious difficulty had been very much over-rated, and, speaking generally, said there was no great objection on the part of Dissenting parents to their children learning the Church Catechism, but that they were tenacious about attendance at church. In that respect he confessed he sympathized with them, for he thought it would be intolerable that the children of Dissenters should be compelled to attend a place of worship different from that to which the parents were in the habit of going. With regard to learning the formularies of the Church he believed that, in nineteen cases out of twenty, when a parent conscientiously objected it was not insisted upon, but the proposal that the clergyman should be under a legal obligation to exempt the children of parents who objected from learning those formularies was quite a different thing. If the managers of national schools came under a legal obligation not to teach the Catechism and Liturgy to a particular class of children they could not stop there. They must fulfil such an obligation in the spirit as well as in the letter. They must abstain from teaching not merely the formularies themselves, but the doctrines contained in those formularies, and in the end they would be driven to say that they could not give such children any religious instruction at all. He believed, therefore, the society would be compelled to withhold their assent from the propositions of the right hon. Gentleman. His right hon. Friend the Member for Oxfordshire (Mr. Henley) had commented upon the character of the certificated masters, and had told the Committee that they were educated above their work, and that the result of their high training was that the children left the schools without having learnt even to read intelligently. But could the children taught by uncertificated masters read and write better? On the contrary, it appeared from the reports of the Inspectors that the children who were under the certificated stood, in respect of those very items of reading and writing, 50 per cent higher than those who were under the certificated masters. As to the expense of the present system, there could be no doubt that it was high. To secure the advantage of religious instruction the system had been more denominational; and this must cost more than a system of mere secular instruction. But if the public expenditure was £800,000 a year, it cost the supporters of the schools twice as much, and if the House did not expend that sum on education now they might, perhaps, have to spend still larger sums upon these children hereafter, for maintaining them in gaol. He should be glad to see the public expenditure on schools increase, and that upon schools decrease. The great objection to the present system was that it did not cover the whole surface of the country, and that the poorest parishes contributed as much in proportion as the wealthiest without receiving the same benefits. But a good system of education must grow up by degrees. The first element was to obtain a good staff of masters, and they could not be got all at once. He thought the present system had been and still was advancing in the estimation of the country, and would in the end be highly approved of. Was it not the fact that there were about 2,000 young men and women in the training schools, of whom one-half went out every year, and found employment without difficulty? That fact alone would prove that the system was extending itself as rapidly as they could reasonably hope or expect. No large district of the country could long be without its school; and he was glad to notice that a change as to the importance of education was coming over the minds of the employers of labour. Depend upon it, if they only gave the system a fair trial, it would gradually extend itself over the whole surface of the country.

MR. BAINES could not help expressing his regret that the right hon. Gentleman (Mr. Lowe) had not seen his way to making more important alterations in the present system, with a view of throwing the people more upon their own resources, which became the more certain the more they were appealed to, and which he believed would do more than anything else to make them morally stronger. With regard to capitation grants—in his opinion the worst feature of the present system, and which the right hon. Gentleman appeared to him to be intending to extend—he (Mr. Lowe) left all the vices of the system untouched. By it a rule was made for poor districts, which they found themselves afterwards obliged to apply to the wealthy districts. In 1854 the plan was adopted for the rural districts, and now in wealthy communities, such as London, Manchester, Liverpool, and Leeds, they were almost compelling people to receive the money for their schools. He knew cases of the schools of manufacturers, millionaires, and wealthy congregations in his own borough, who were perfectly able and willing to support their own systems of education, but who were now taking the public money. It was a scandalous waste of the public funds —and he denounced it to the House. He sympathized more with the remarks of the right hon. Member for Oxfordshire (Mr. Henley) than with those of the right hon. Member for Droitwich (Sir John Pakington), especially on two points. Stress had been laid on the question of religious education. It appeared to him that the right hon. Member for Droitwich was compelled by the bent of his argument to slight religious education — a point to which the right hon. Member for Oxfordshire attached much importance. He (Mr. Baines) felt most strongly that unless they gave a sound moral training, based on the principles of Christianity, they grossly neglected education. All the teaching of arts and sciences would be nothing without a religious education—not as to particular dogmas, but in the grand fundamental principles of Christianity. In that very fact, however, lay the difficulty of connecting popular education with the Government; and it was this difficulty, rather than any insensibility to the importance of religious education, that had driven the right hon. Baronet to his system of local rating, which he (Mr. Baines) thought would not work, and would prove injurious to the interests of religion. In the first place, it would have to encounter the opposition of persons who, like himself, were voluntaryists, and who did not believe that the Founder of our faith intended that His doctrines should be inculcated by compulsory taxation. Then see the point to which the present system brought them. They had to provide religious education, and to that end had agreed to pay all alike out of the public purse. Civil justice required it should be so. But the fact that they were manifestly paying for the propagation of opposite opinions, and, therefore, necessarily of error, as much as for the propagation of truth, really threw grave doubts on the propriety of a system by which civil justice required them to take such a course. Then with regard to State interference, he was of opinion with Mr. Henley that the State interfered too much, but he went further. Those who supported State interference overlooked the facts of history and of their own day, and almost set light by the religious zeal of the community and the common sense as well as the sense of duty of parents. He believed the Government system of education had been introduced under great misconceptions. The first of these was the small amount of education assumed to exist in this country in comparison with other countries of Europe and America. This he believed to be contrary to the fact, and though not then in the House he endeavoured to show that it was so. He maintained that the number of scholars was far greater than it was supposed to be, and he endeavoured to prove that at that time, 1846-7, one out of every eight or nine children was at school. But it was constantly asserted in that House that only one in every thirteen or fourteen was at school. They were then wanting good statistics on the subject, and that led to many misconceptions. Another thing was that it was supposed that in Prussia and other foreign countries the system of education was much superior to ours, and it was urged that it was a shame this country should be left so much behind. Now, they were told, the education they were giving was of too high an order, and that they were neglecting the elementary and more important branches. He would admit that a great amount of good had been done. The standard of education was higher that formerly; they had obtained better qualified teachers and splendid schoolhouses—indeed, in some instances too splendid. It would be strange if some good had not been done when equal to nearly £5,000,000 had been spent upon it. But now that they had reached this point, he put it to the country whether the system was to be permanent—whether they were to continue a system resting on the taxation of the country, or whether they might not trust more to the people themselves, and if they did so whether they would not have a higher and better education than at present. The hon. Member for Droitwich (Sir John Pakington) had said that great masses of the people and great districts of the country were without education. He (Mr. Baines) denied it, and challenged the right hon. Baronet to point out the part of the country where such a state of things existed. What did the Report of the Commissioners say? It told them that the number of children in the day schools throughout the country was 2,535,462, and that the number of schools was 58,975, and that gave an average of nearly six years' education to every child in the entire country. Surely that was a state of things which could not be regarded as very alarming. The Commissioners themselves said—

> "Most of the children who, being able to attend, do not belong to any school appear to be the children of in-door paupers, or of parents viciously inclined. With these exceptions almost all children in the country capable of going to school receive some instruction."

Then the Commissioners gave them a comparison as to the proportion of children going to school in this and other countries. In Prussia, where education was compulsory up to a certain age, the scholars were 1 to every 6.27 of the population. In England it was 1 in every 7.7; in Holland 1 in every 8.11; and in France 1 in every 9; so that this country stood higher than many of those countries which were considered to be the first in letters and civilization. Surely these facts ought to induce them to consider whether it was necessary to maintain the present system in its full extent, whether Government interference could not, at least in some degree, be withdrawn, and whether education could not be safely left to the spontaneous efforts of the people? But it was said that we owed these results to the Parliamentary grants. That was an entire mistake, for the greatest strides had been made before the adoption of that system. The proportion of children at school at the different epochs had been as follows:—In 1803 the scholars were 1 in 17½ of the population; in 1818, 1 in 17¼; in 1833, without one sixpence of public money, it had progressed to 1 in 11¼; in 1851, to 1 in 8.36, although the annual grants for education only began in 1847. In 1858, it was 1 in 7.7. The first grant of school buildings was in 1833; and the payments for teachers and school expenses were commenced much later. They might rely on other things, independent of Government—the power of religion, of philanthropy, the sense of duty in parents, and above all that inexplicably vast progress, that tide and wave of advancing civilization which had been passing over this country in a way beyond what had been realized in any other age of the world. Besides this there were the Sunday schools, in which there were 2,411,544 children, and 320,000 voluntary teachers giving their time from week to week and from year to year. Having been for forty years engaged in Sunday schools as teacher or superintendent, he had a right to feel proud of that result. Was not that an argument why they should depart from that extravagant system in which they had embarked? Then he thought this was a peculiarly favourable conjuncture for reviewing the educational system. They had repealed taxes on knowledge this year to the amount of £1,500,000, and since 1836 to the amount of from £3,000,000 to £4,000,000, and that was one reason why they should leave education to take care of itself. They might with the most absolute safety leave the work to the people themselves. The people were now in an excellent condition in regard to employment. Poor rates, which in 1831 were at the rate of 9*s.* 9*d.* per head, had fallen in 1859-60 to 5*s.* 6*d.* per head. Then, again, let them look to the number of educational establishments of an auxiliary kind. There were now 1,200 Mechanics' Institutions, with 200,000 members. Since 1831 newspapers had increased 273 per cent, while the population had increased only 40 per cent, and during the same period a cheap literature, of a religious, moral, and scientific character, had sprung up, such as did not exist when most of the Members of that House were young men. It was a fact, indicative of the great advance which had been made in this direction, that the circulation of Bibles, through the instrumentality of one society alone, had increased, since 1831, 307 per cent, and that of religious tracts 276 per cent. The number of letters passing through the Post Office had increased 560 per cent in twenty years, and during the last thirty years the number of depositors in savings banks had increased 250 per cent, and the amount of deposits 184 per cent. There were now £40,000,000 sterling laid up in the savings banks of this country by 1,503,916 depositors. The Provident Institutions had £3,000,000 of deposits, and possessed capital to the amount of £11,360,000. The Temperance Societies contained 3,000,000 of members, of whom one-half were children under the age of fifteen. Then, as to the diminution in the amount of crime, while the commitments in 1831 were 19,647, in 1859 they were only 16,674. There was now a great amount of authority to show that the cost of education, if they went on at the same rate as they were now doing, would shortly be upwards of £2,000,000 annually. The capitation grants, which in 1854 amounted only to £5,000, had this year reached the enormous sum of £77,000. There appeared to him to be a vice in the training of schoolmasters at the public expense. He saw no better reason for doing so than for training, lawyers, doctors, or farmers, at the public expense. A number of the persons who had been thus trained were in the habit of leaving the profession, and taking other employments to which the training they had got enabled them to aspire. Boys were selected for their literary efficiency before their characters or principles were established, and brought up as schoolmasters, though, as had been shown by the right hon. Gentleman the Member for Oxfordshire, in such a position moral qualifications were infinitely superior to cleverness. He would appeal to the Government to give some weight to the opinion of those Gentlemen, who from the beginning had been connected with the system, and who had now come forward to warn them of the lengths to which, if unchecked, it would proceed. Sir James Kay Shuttleworth, who might be regarded as the founder of the system, stated that he expected that after a few years—

> "A new series of operations might commence, by which the charge of public education might be gradually transferred from the Consolidated Fund to the local sources of income—school pence and subscriptions."

Mr. Harry Chester, formerly Assistant Secretary of the Committee of Council on Education and Vice President of the Society of Arts, in an "Address to the United Association of Schoolmasters of Great Britain," 27th December, 1860, says—

> "Parliamentary grants appear to have a natural inevitable tendency to extend themselves upwards; and we must be prepared to see the area of their incidence constantly extended, not only from little children to young persons and adults, but also from the poor by degrees to the middle classes. The line of the Poor Law—the line of destitution, is a clear line of demarcation between classes; but above that line I believe it is not possible to draw permanently any satisfactory line of demarcation between those whom the State ought and ought not to assist in procuring education."

Mr. Chester condemned the "stereotypic power" of governmental action—its "too great rigidity of regulation"—the "monopoly which it gives of the privilege of teaching with a salary derived partly from the national funds"—"the cramping and dwarfing of power" of a system of "protection" in education, equally as in agriculture, shipping, and manufactures; and he says the voluntary system of education is much more likely than the govermental one "to produce a robust, masculine, character," and "power of self-government." He adds—

> "I conceive that the time has arrived when all the grants of the Committee of Council on Education should be made on a slowly expiring scale, in order that the promoters of schools might clearly understand that the aid of the Government was not to be permanently given; but was intended to enable them to grow up to independence."

Mr. Tremenheere, a gentleman of great ability and experience, who had been Inspector of Schools from 1839, and was now Inspector of Mines, in his letter to the Education Commissioners, proposed to reduce the education grants by at least two-thirds of their whole amount within ten years. He maintained that the large expenditure on the training of teachers and capitation grants was unnecessary, a waste of public money—not successful in its results—not giving the best kind of teachers—greatly diminishing voluntary subscriptions to schools and training colleges, and injuring the independent spirit of the people. Mr. Tremenheere further said—

> "If the contributions from voluntary sources in support of training colleges were brought back to and only moderately increased beyond what they were in 1853, the training of the whole required number of teachers could be provided for without Government aid."

He showed that the incomes of twenty-eight training colleges from voluntary sources in 1853 was £45,000, whereas the incomes of twenty-six of them had in 1858 fallen to £22,000; and he thought the system of pupil teachers better fitted to produce clever teachers than teachers "whose moral character, disposition, taste, and inclinations best fitted them for that sphere of duty." The statements contained in the Report of the Commission had also had the effect of inducing Dr. Vaughan, the editor of the *British Quarterly Review*, who in 1847 strongly supported Government aid to education, to state that in his opinion popular education had now acquired such a position that the Government might safely leave it for the future to the community; and he also complained of over-education, and educating the middle classes at the public expense. He (Mr. Baines) would conclude by reminding the House that the views of a minority of the Commissioners of Education had been expressed in favour of the entire discontinuance of Government interference. That minority held that in a country like England the Government had ordinarily no educational duties, except towards those who were the victims of destitution, vagrancy, or crime; that the Government should abstain from making grants in aid of education, except towards the building of schools, and that the present annual grants should be gradually withdrawn, the Government confining its aid to Union schools, reformatories, &c., and to developing the sources of public charities which might be applicable to popular education. The minority further stated their opinion to be, that it was unwise to take off a burden which rightfully appertained to parents, and to impose it upon the State, and that the Government would not be able to control the growing expenditure which the development of the present system would necessitate. Having given expression to these views, he (Mr. Baines) would content himself by saying that while he was a firm friend of popular education, and should never feel satisfied till it became universal, he was convinced it would be better for the country, and that it was sounder in principle, that the system of education should be one of perfect freedom, and that the Government should leave the people, as in religion, the press, and industry, entirely to their own independent exertions. He was convinced that in a country like this, freedom would ultimately produce higher education and higher national character than any system which placed education under Government support and control.

MR. HENLEY: As I interrupted the right hon. Gentleman the President of the Board of Education in his remarks respecting the National Society I wish to say a few words in explanation. I now hold in my hand the printed terms of union of that society, and the first is that children are to be instructed in the Scriptures and Catechism of the Established Church. The right hon. Gentleman seemed to think that the Committee of the National Society had been hardly acting fairly by the subscribers of that society. But he omitted to state that the original terms were these —instead of "the children," the words "every child" were used. That was deliberately altered for the purpose, and it was altered not to "the children" but to "all children" about ten or eleven years back. It was again altered to "the children" for the express purpose of meeting cases which occurred in the country, where it might be desirable, under the discretion of the clergyman, to let in children without the strict application of the rules. The second rule of the society is this— "With respect to such instruction the school is to be under the superintendence of the parochial clergy." It goes on to say that if any dispute arises between the clergyman and the managers the matter is to be referred to the Bishop of the diocese, and his decision is to be final. This matter having been so formally brought before the Committee, though without any notice to the National Society, I thought it could not be wrong to state the views of the National Society, and, therefore, I will state their opinion, expressed so recently as the 5th of December, when they came to the conclusion that the rules which relate to the giving of religious instruction in the schools are so framed as to allow clergymen liberty in the application of them to the several children, and also to enable the clergymen, in the several parishes, to make alterations in the practice of the schools, so as to adapt them to the wants and circumstances of the place, due regard being had to an honest conformity to the purposes for which the society is incorporated.

MR. H. A. BRUCE said, he had heard with pleasure the fairness and the moderation of tone in which the case of the Dissenters and the National Society had been put by the right hon. Gentleman. The National Society was not asked to give up its rights of teaching the Catechism. All that was asked was that when Dissenters were called on to assist in the formation of a National Society's school in a district in which there was a large body of Dissenters, a conscience clause should be inserted. The right hon. Gentleman said that Dissenters as a body did not object to learn the Catechism. He admitted that vast numbers of them went to national schools, and a large proportion did learn the Catechism. The question, however, having now been formally raised, must be settled, and it was most important that it it should be settled in reference to parts of the country like that from which he came, where nine-tenths of the population were Dissenters, but where the proprietors of the land and the largest contributors to the schools were Churchmen. In the majority of cases the clergymen did not insist upon the Church Catechism being repeated by Baptists, for instance; and if that was so, why should they not square the theory with the practice. The case of the ragged schools was a proof that the interests of religion would not be neglected, though there was no connection with any religious denomination. There was no religious difficulty in these schools, nor need there be in any case where religion was taught irrespective of denominational distinctions. He knew personally that that was so, for it had been tried in a school with which he was connected. Anybody who had heard the speech of the hon. Member for Leeds (Mr. Baines) would have supposed they were embarked in a course of reckless expenditure, but that was, in truth, by no means the case. It had been shown that in 1859 they expended £761,000 upon 821,000 children; whereas, in 1861, they expended £803,000 upon 941,000, showing an increased expenditure of only £40,000, with an increase of 120,000 children. He considered that the four or five millions which had been expended had been well spent in raising the standard of education. It was asked why should they take the step they were about to take, when they had so lately removed the taxes upon knowledge; the answer was that they wished people to be rendered able to avail themselves of the increased means of acquiring information. The effect of the spread of education was shown in this, that within the last three years especially there had been a great diminution of crime; and money could not be better spent than in producing such a result. His own opinion was that the schoolmasters were not at all too highly educated, for it was desirable that a high class of education should be in some degree disseminated among the working-classes. He should support the proposition of the Government, but he joined in the regret that the very poorest classes were not reached to the extent that was desirable; although, no doubt, a great deal had been done in this direction, for the larger portions of the grants were given in large towns where the poorest classes were.

Sir STAFFORD NORTHCOTE said, he did not mean to enter upon the general question, though he felt himself tempted to reply to the hon. Gentleman who last spoke that it did not follow, because the poorest classes were to be found in our large towns, and that the principal grants were made to the towns, that, therefore, the very poorest classes in those towns were reached. He would not enter upon the topics referred to in the interesting speech of the right hon. Gentleman (Mr. Lowe), for, though his explanation was very clear, it was difficult to understand exactly what the working of the Minute to which he had referred would be on many points till it was laid before them. He confessed he was surprised to find that the Government were prepared so soon to express their opinions on the recommendations of the Commissioners. He had thought that those recommendations would have required longer consideration than they appeared to have received from the Government. But he only rose now to call the attention of the Committee to the mode in which the Education Estimates were prepared and submitted to the House. In other departments the Estimates were prepared and submitted to the Treasury, and the Treasury had the power of exercising some discretion regarding them. But in the case of the Education Estimates neither the Treasury nor even the department itself could exercise hardly any control over them, because they did not, like other Estimates, depend on what was estimated might be required for the year, but on what the public might demand in the shape of grants in the course of the year. It was highly important that all Minutes involving the expenditure of money should be submitted to the Treasury, and approved of by them before they were published. He presumed that the opinion of the Cabinet and of the right hon. Gentleman the Chancellor of the Exchequer was taken upon the Minute, but he must urge upon those who had the control of the Educational department that the Treasury ought always to be consulted on the framing of these Minutes, since they really governed the expenditure.

Mr. WHALLEY thought the House incurred great responsibility in voting so large an amount of money over the expenditure of which it had no control. The relation in which the Privy Council stood to the inspectors deserved attention. Certain gentlemen recently wrote to the Committee of Privy Council to complain of irrelevant and inaccurate statements in the report of one of the inspectors. It might have been supposed that it was the duty of the Privy Council to supervise and check these reports and to keep the writers within proper bounds. The secretary of the Committee of Education, however, was directed to inform these gentlemen that the Committee of Education could not answer for the statements of individual inspectors, and must leave the matter to such notice as it might receive in Parliament. So that Parliament, with its other multifarious duties, had thrown upon it the duty of examining the reports of these inspectors. No less than £162,000 had been granted for the education of Roman Catholics exclusively, and it was left entirely to Roman Catholic inspectors to see how that money was expended. One of these inspectors had gone so far as to show how much more admirably was the influence of Romanism on social and moral conduct of nations and individuals than Protestantism. He (Mr. Whalley) looked upon that as a great breach of duty upon the part of the inspector; he had no right to make use of the public time and money for the purpose of entering into a disquisition on the relative merits of Protestant and the Roman Catholic religions. If the grant was to be administered in such a manner it would afford an additional argument in favour of the views of the hon. Member for Leeds (Mr. Baines), who, representing the common sense and feelings of the great majority of men practically acquainted with the subject, maintained that the public purse should be gradually closed against the demands made upon it for education. He would now move that the capitation grant No. 4, for England and Wales, which was put down as £77,000 this year, be reduced by £12,000, when it would stand at the same amount as last year. He had been informed that in the neighbourhood of London these capitation grants had been demanded, and granted, by those who had intended to use them for purposes at variance with the intention of Parliament —namely, for the establishment or sustentation of nunneries in connection with the schools for which the grants ought to be applied.

Motion made, and Question proposed,

"That the item of £77,000, for Capitation Grants in England and Wales, be reduced by the sum of £12,000."

MR. HENNESSY said, he wished to remind the hon. Gentleman that the Vote he proposed to cut down affected all the schools. The discussion that had taken place had been most instructive to Irish Members. Hon. Members on both sides of the House had agreed that they would not vote money for public instruction unless provision were made in the schools for the religious education of the children. Schools for secular instruction were not to receive one farthing of the public money which was to be distributed by the religious denomination for religious instruction. The principal was in his view a sound one. But what would hon. Members do when the Vote of £280,000 for education in Ireland came before them? There the principle adopted was diametrically opposite, for in Ireland any school in which religion was taught was deprived of the grant. This Vote differed from every other item in the Civil Service Estimates in many respects, and he contended that the object for which the money was given could be promoted by other means than the expenditure of public money. They had been told that the repeal of the taxes on knowledge was a step in the way of promoting education, and he believed that the opening of the whole of the Civil Service to free competition would create a great stimulus to education in the country.

MR. DILLWYN said, he took exception to the declaration of the hon. Member, that there was a general agreement in favour of the state giving religious instruction to the people. A large minority in the House adopted a different view. He believed that education could be given more effectually if combined with religion, but it was not the business of the State to take upon itself the religious instruction of the people. How could the State, if it did so, teach any other religion but its own—the religion of the Church with which it was exclusively connected? The business of the State was to provide the means of instruction to the poorer classes, but not to give instruction, except to the criminal and pauper population, with respect to whom the State stood *in loco parentis*. He concurred with the hon. Member for Peterborough in objecting to an increase of the capitation grants; for he did not desire that the State purse should be used for the purpose of educating those who were able to educate themselves. He was afraid that in working out the proposed Minute the expenses would be increased.

MR. PEASE said, he was of opinion that no case had been made out for the withdrawal of the capitation grants, and he thought that the Committee would not constitute itself the judge of the sincerity of the different professors of religion. According to the principle on which the money was given the Roman Catholics were entitled to their share. He did not concur in the opinion of the hon. Member for Leeds as to the power of voluntary efforts to meet the necessary expenses; but he held that education would be the cheapest thing in the world provided it was conducted on the right principle, for it tended to diminish crime, and to reduce the expenses of the convict establishments.

MR. LOWE said, he agreed with the hon. Member for Peterborough, that the remarks of the inspectors to which he had called attention were irrelevant. He had taken measures to prevent the repetition of such observations, and he hoped that after this explanation the hon. Member would withdraw his Amendment.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £77,484, be granted to Her Majesty, to complete the sum necessary to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connection with the Department, and of the Geological Surveys of Great Britain and Ireland, &c. to the 31st day of March, 1862."

Mr. LOWE explained that the Vote included a sum of £6,000 for the Royal Dublin Society. It was his intention, if the Committee would permit him, to take that sum and hold it until the Government could come to some terms with the society as to the opening of the gardens at Glasnevin on Sundays. But a short time had elapsed since the debate which took place the other night, and he should be unwilling to omit the Vote. He would, however, take care that the money was not spent until the society had been placed in a proper relation to the State.

Mr. KINNAIRD said, he objected to the holding of the withdrawal of the grant *in terrorem* over the society to compel it to accede to the wishes of the Government. It was a novel principle, and, he thought, an objectionable one. He would, therefore, move the omission of the item from the Vote.

Mr. GREGORY said, that the same thing was done a short time ago with respect to the Vote for the Hibernian Academy. He was glad that the right hon. Gentleman was about to take the course which he had now proposed, because he believed that the object which they all had at heart could be accomplished without acting harshly towards the society, which was one of the most useful which existed either in Ireland or in this country.

Lord NAAS said, he thought it would be a great misfortune if a petty quarrel about the opening of the gardens should cause inconvenience to such a valuable institution as the Royal Dublin Society. He hoped the dispute would soon terminate, and from letters he had received he had reason to know that many of the members of the society were willing to throw the responsibility of opening the gardens on the Government, and place them under the same regulations as those governing Kew and other public gardens, and it was to be hoped that no further obstacle would be offered to an amicable arrangement being come to.

Mr. LEFROY said, he thought that if Parliament had earlier pronounced a decided opinion the present unpleasant position of affairs might have been avoided. He trusted that the dispute would be amicably arranged.

Mr. CARDWELL said, that the course which had been adopted by the Government had been dictated by a sincere desire to show to that excellent society all the respect to which it was entitled. By one of its resolutions the society expressly recognized the right of Parliament to prescribe the mode in which the money voted should be spent, and he hoped that after the decided opinion which had been expressed by the House there would be no further difficulty in regard to this matter. In the case of the Hibernian Academy no Vote was taken, but after arrangements had been made the money was advanced by the Treasury and voted in the following year. In this instance, considering the importance of the Royal Dublin Society, the amount of the Vote, and the many other useful undertakings in which the society was engaged, he thought that it would be better to adopt the course which was now proposed.

Mr. KINNAIRD said, that as he understood that anything like a threat was abandoned, he would withdraw his opposition to the proposal of the right hon. Gentleman.

Lord WILLIAM GRAHAM said, he would move the reduction of the Vote by the sum of £15,000, which was asked for the erection of schools and residences at South Kensington. If these buildings were constructed according to Captain Fowkes's plan, they would involve the erection of an architectural elevation which would cost £200,000 or £300,000, and upon which Parliament had had no opportunity of pronouncing any opinion. If the schools and residences were to be erected, let them be so built as not to involve the necessity for an ornamental frontage. The plan, however, involved two ornamental frontages, one to the west and the other to the south. The schools and residences for which the Vote was now asked would occupy almost the whole frontage towards the Exhibition building. The Government would not, he thought, be justified in committing the House to the adoption of the plan without further inquiry, and, that being his opinion, he should move that the item of £15,000 be omitted.

Motion made, and Question proposed,

"That the item of £15,000, for Schools and Residences at South Kensington, be omitted from the proposed Vote."

MR. LOWE said, the buildings to which the noble Lord alluded would in themselves be perfectly plain and unornamented, so that they might be adapted to any style of frontage which might be decided upon. It was an error, therefore, to suppose that the Committee, in assenting to the present Vote, would be pledging themselves to the erection of an ornamental frontage.

LORD WILLIAM GRAHAM said, he was satisfied with the explanation of the right hon. Gentleman, and would withdraw his Amendment.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £185,377, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Public Education in Ireland, under the Commissioners of National Education in Ireland, to 31st day of March, 1862."

MR. CARDWELL said, the total amount of the Vote for Public Education in Ireland, which it was his duty to ask the Committee to grant for the present year, was £285,377, which showed an increase of £14,350 over the Vote of last year. That increase came for the most part under three heads:—The salaries of teachers, in which there was an increase of £9,950; the distribution of books, on which the increase was £3,000; and the model schools, in connection with which the increase was something about the same amount. The principal items of the Vote were those for the salaries of the teachers, £186,000; for the model school department, £33,000; and for inspection, £23,000. For that sum of money there had been maintained in the course of the year 1860 a number of schools amounting to 5,623, the total number of pupils at any one time in connection with the board having amounted to 804,000, while the average daily attendance during the past year was 252,000. In adverting to that point he might observe that for the first time in the history of those schools there had last year been a small decrease occasioned in the number of pupils in attendance, owing, he believed, almost exclusively to the unusual inclemency of the weather. Last year he pointed out to the House the satisfactory circumstance that the number of pupils who had been calculated upon when the system began upon a population of 8,000,000 had been obtained upon a population not amounting to 6,000,000, evidencing an amount of popular education not equalled perhaps in any other country. There had been an increase of 136 in the course of the year in the number of schools maintained, the number in the former year having been 5,496, and in the year that had just closed 5,632. Nor were the benefits of the system confined to any particular part of Ireland. On the contrary, the schools numbered in Ulster, 2,064; in Munster, 1,405; in Leinster 1,325; and in Connaught, 838; so that they might be said to be scattered equally throughout the country. He might also state that the total number of new schools brought into connection with the board amounted last year to 230; of which 114 were in Ulster; 43 in Munster, 30 in Leinster, and 43 in Connaught,. Those schools had been taken up by 186 patrons, of whom there were 30 clerical belonging to the Church of England and 20 lay; Presbyterians, 18 clerical and 9 lay; Dissenters, 4 clerical and 4 lay; of Roman Catholics, 90 clerical and 11 lay—a remarkable proof that the public support which the system so abundantly deserved had not been withheld in any part of the island or by any section of the community. An examination of the number of pupils for the last quarter of 1860 afforded evidence of the same nature. In that quarter of the whole number of pupils, which was 548,000, of Roman Catholics there had been 455,000; of the Church of England, 30,800; Presbyterian, 59,000; and of other denominations, 2,670. Taking the whole year upon a population of less than 6,000,000, there had been not less than 668,000 Roman Catholic pupils, 86,000 Presbyterians, 45,000 of the Church of England, and 3,800 of other denominations, making in the whole 804,000 pupils, or, in other words, 668,000 Roman Catholics, and 135,000 Protestants, a result such as no other system of education probably could show. But it had been said, and a great deal of discussion had taken place upon the point in that House and in Ireland, that the system was falsely represented to be a mixed system—that the Protestants were brought up by themselves, and the Roman Catholics by themselves—that it was thus practically a denominational system. But what was the meaning of a mixed school? Was the term confined exclusively to schools where the pupils were mixed? If so, it must follow that the benefits of the mixed system could not be applied to that large part of the country where the poor population was exclusively of one denomination. Neither in regard to the historical nature of the system, nor in regard to its moral advantages was it just to limit its benefits in that manner. So long ago as 1846 the Commissioners reported that the system of national education which was really designed to be established, and which, in fact, had been established, did not exclude children of any denomination; they might admit, without doing violence to the conscience, all those who wished for education, whatever might be their religious creed. That was the true principle of the system, and the one best adapted to the circumstances of the country. It was of great importance to train the rising generation of the country on a system of education common to them all as Christians, so that they might acquire those general principles and habits which would enable them to work together in all the relations of after life as fellow-citizens. A return moved for by the hon. Member for Youghal showed that of 5,411 schools in operation in Ireland 2,898, or more than half the number, were mixed schools. Of 91,486 Protestants and 478,000 Roman Catholics receiving education, 80,117 of the former and 215,000 of the latter were educated in mixed schools. It was alleged as an objection that there was only a small minority of Protestants in some schools and of Roman Catholics in others, so that they were not properly "mixed;" but when did pupils require protection more than when they were in a minority like that? In point of fact, however, these minorities were by no means so frequent as was alleged; and did not detract from the "mixed" character of the system. Another test of the efficacy of the system was that in mixed schools the average attendance was 102, while in the separate Protestant or Roman Catholic schools the attendance varied from ten to fifty. He contended that these were results, in a country circumstanced like Ireland, which the founders of the system never could have been so sanguine as to have anticipated would have been brought about by that time.

The next question was whether the system had any hold on the affections of the people. Originally it was almost exclusively confined to the class for whose benefit no doubt it was chiefly designed—the Roman Catholic majority of the country. In 1840 the Presbyterian body became firmly attached to the system; and in 1859 it received the adherence of the Wesleyans—a body important not from its numbers but from its position and principles. In 1860 took place that correspondence with the venerable primate with which the House was acquainted, which resulted in the accession of many additional schools belonging to the Church of England to the national system. In short, the increase in the number of schools was due not to this denomination or to that, but to all collectively, and to clerical as well as lay patrons. Thus had the system grown and prospered until it now embraced the whole country, every province, and every creed; and in spite of the opposition which still remained in certain quarters, he had no doubt that it would continue to strengthen its hold on the affections of the Irish people and on the confidence of Parliament. The education which was afforded in Ireland would bear strict comparison with that in England. It was given with great skill and ability, and the Irish school-books, it was well known, were used wherever the English language was spoken. It must be owned, however, that the system was defective in regard to the irregular attendance of children. While a large number of pupils were on the books only about a half were in average daily attendance. The power of dealing with that evil was by improving the quality of the masters, because on the ability of the masters the attendance must depend. The hon. Member for Dungarvan had given notice of his intention to call attention to the remuneration of the masters, but he thought the Committee would agree with him, that a good deal had been done during the last two years to improve their condition. The average payment to the male class teachers was £26 11*s.* 4*d.*, and to females £22 12*s.* That was the payment from the funds voted by Parliament, but it was not the whole payment, nor was it intended that it should be the whole payment, because those schools flourished best where a small voluntary payment was made by the parents for the attendance of their children. It was desirable that the children should pay, and he hoped that the local contributions would increase as the system was extended. It was encouraging to find that the local contributions had increased from

£26,000 in 1832, to £43,000 in 1860. The average increase of payment to masters and mistresses from local contributions was only £8 15*s*., and, therefore, he was not prepared to contend that their position was as good as it ought to be. Great efforts, however, had been made by Parliament to better their condition. Large sums had been liberally given by Parliament, and he trusted that the growing liberality of private individuals would supply the deficiency of their salaries. In obtaining this Vote last year the Government stated what changes they intended to introduce. A great controversy on the principles of the system had arisen from many quarters, but, confirmed by the knowledge of the firm purpose of Parliament, the Government felt it their duty to return a firm, yet courteous, refusal to every proposal which invited them to break into the cardinal principles of that system. At the same time, the Government expressed their perfect readiness to make any change which, consistently with those principles, might extend the usefulness of that system. With regard to the model schools, they stated that when the Commissioners had completed the building of twenty-six, those Commissioners should engage themselves to build no more without the express sanction of Parliament obtained on the proposition of the Government. In the course of last year strong applications which had long been made from the important town of Enniskillen were acceded to by the Commissioners, and now the number of twenty-six model schools having been completed no more would be built, except with the direct sanction of Parliament. With regard to the books, they had attained an amount of general circulation and popularity such as no other books for the education of children had ever reached. But it was thought that, in order to keep up with the progress of knowledge since they were written, they ought to be reviewed. It was also thought that in the books there was an absence of attractiveness and of everything local, national, and patriotic as regarded Ireland, which might be easily remedied, while retaining the spirit and usefulness of the books. It was interesting to find that they had anticipated the conclusion since announced by the Royal Commissioners, who had examined into the system, and who said schoolmasters had reason to complain that the books abounded in words needlessly abstruse, and beyond the comprehension of children; that the poetry was selected from inferior sources; that the dry outlines of geography were unsuitably introduced; that the history epitome was destitute of picturesqueness, and incapable of striking the imgination or awakening the attention of a child, and that science was not explained, as it should be, in familiar language, and with illustrations from real life. Confirmed by that authority the Board were about to appoint a committee of their own body to remedy the defects which had been pointed out by the Commissioners. The next point was the change of the rules by which aid for building would in future be given, as formerly, not merely to the schools vested in the Commissioners in their corporate capacity, but to schools vested in trustees, and approved by the Board. Every one who had seen the Irish schoolhouses must have been struck by their inferiority to those in England. It was most important in a sanitary view that they should be commodious, and it was desirable that there should be divisions of class-rooms and school-rooms suitable for the purpose of teaching. For years past there had been a practical prohibition of any aid from the State towards building schools in Ireland, and last year it was proposed to remove the restriction by the arrangement to which he had referred. The subject had been under the consideration of the Board, and he hoped to hear that they had adopted resolutions to carry the intentions of the Government into effect. There remained the last and most important question—the constitution of the Board itself. The Government felt that in a country circumstanced like Ireland half should be of one religious communion, and half of the other. The principle had been carried out, and the list of members contained names which must command respect and affection in Ireland, and earn the confidence of the House of Commons. The Board consisted of six members of the Established Church and four Presbyterians, making together ten Protestants, and ten Roman Catholics. The names which had been added were those of Lord Dunraven, Chief Justice Monahan, Chief Baron Pigot, Mr. Waldron, M.P. for Tipperary, Mr. Lentaigne, and Mr. O'Hagan, and the Board was so constituted as to represent every class of opinion among the supporters of the system of national education. The system, planned thirty years ago by the Earl of Derby, and supported by every Government which had succeeded since, was an institution which owed its success to the great desire of the Irish people to acquire knowledge, and to the admirable manner in which it had been conducted through the liberality of Parliament. It had met with difficulties, but he hoped those difficulties had been in a great degree surmounted, and he trusted the Committee would grant the money then asked for with that ready cordiality with which they had voted it on every former occasion.

Mr. BUTT said, he thought the Committee could not enter into a discussion of the general question of national education in Ireland at midnight. He was, therefore, disposed to move that the Chairman should report Progress; but he would be satisfied with an assurance from the right hon. Chief Secretary that before the Vote was finally taken he would give the House an opportunity of discussing the great question whether Ireland was entitled to the same freedom in religious instruction which England enjoyed. The Vote for education in Ireland had gradually risen from £30,000 to nearly £100,000, and it now comprised various items which he was sure Parliament never contemplated. Considerable sums of money were now asked for normal establishments, training departments, model schools, model literary schools, railway model national schools, navigation schools, agricultural schools, industrial agricultural schools, and model industrial schools. In many of those schools there were teachers of music and teachers of drawing. Such items did not properly belong to a Vote intended for the education of the poor.

Mr. CARDWELL stated, that the industrial and agricultural schools were not new items; they had appeared in the Estimates before. Complaints used to be made that the schools were not industrial enough, and the Government had reduced the amount for agricultural schools. He hoped the hon. and learned Gentleman would permit the Vote to be taken to-night, reserving what he had to say on the general question till the Report.

Mr. LONGFIELD said, he hoped the debate would be adjourned at once. He could not consent to pass the Vote then, and allow the discussion to be taken upon the Report. The discussion of the general question should be finished before the Vote was agreed to. He dissented from almost every word which had fallen from the Chief Secretary. He denied that the national system of education prevailing in Ireland had any hold, as the right hon. Gentleman had remarked, upon the affections of the people of Ireland. He asked whether the single Protestant Bishop who had associated himself with it was one most esteemed for his learning and his judgment? He would not say anything upon that point himself; but he was sure nobody else would answer the question in the affirmative. The fact was that the system was thrust upon the Irish people whether they liked it or not. None of the most eminent prelates of the Roman Catholic Church had at all countenanced it. It was a subject of the deepest interest to Ireland, and he was happy to say there was nothing sectarian in the opposition. [*Cries of* "Progress."] He knew how unpalatable the subject was, especially after the long discussion they had had on the English system; but he wished to say a few words on the objections that were entertained to the system. He denied that it could at all answer the religious wishes of the Irish people, which could only be met by adopting the denominational system, as adopted in England; and he might refer to the Report of the English Education Commissioners as condemning by implication the Irish plan. The right hon. Gentleman had described it as a common system. It was no such thing. It only professed to be a system of common secular education and separate religious instruction. The principle which was held to be essential and vital in England, was altogether discountenanced in Ireland. All parties disapproved it. The memorial of the Irish Roman Catholic Prelates also condemned the system because religion did not run through the whole course of instruction, but was confined to separate and isolated seasons. As a proof that that was the rigid practice of the Board, he might refer to a letter from Mr. Dalton, asking whether, if he placed his school under the National Board, he would be allowed, in the ordinary hours of education, to make any reference to the Bible, and after a good deal of fencing he was at last told that the use of the Bible or the communication of religious instruction in the ordinary school hours was incompatible with the National system. He felt that he might say much more but for the lateness of the hour; but he must enter his protest against the right hon. Gentleman's assertion that the system was at all popular in the country.

Mr. HENNESSY moved that the Chairman should report Progress.

Viscount PALMERSTON said, he hoped, after the long discussion which had already taken place on the subject, and as hon. Gentlemen would have another opportunity of speaking on the Report, the Vote would be allowed to be taken that night.

Lord JOHN MANNERS said, he was astonished at the statement of the noble Lord. The long discussion was confined to the statement of the right hon. Gentleman and the speeches of two hon. Members. There was no question of more importance to be discussed in that House than the Irish system of education, and if it were not the Irish Members had a full right to discuss a system which at least materially affected themselves.

Mr. BUTT said, he felt himself perfectly justified in making an appeal to the noble Lord. He could assure him that the question excited the deepest interest in Ireland. The right hon. Gentleman (Mr. Cardwell) challenged discussion, and he (Mr. Butt) would, therefore, appeal to the noble Lord whether it was fair to stop it. He hoped the hon. Member would persevere in his Motion that the Chairman report Progress.

Mr. CARDWELL said, he was sure that the lively style of the noble Lord opposite would command attention either now or at any other time of night; but if the Irish representatives wished for a fuller discussion of the Vote it was only fair that it should be allowed them. He would, therefore, agree to the Motion for reporting Progress.

Whereupon Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again," put, and *agreed to.*

House *resumed.*

Resolutions to be reported *this day.*

Committee to sit again *this day.*

SALMON AND TROUT FISHERIES BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Application of Act),

Mr. KENDALL said, that unless Cornwall were excepted from the operation of the Bill its extensive mining interests would be destroyed. The Commissioners stated that to extend the Bill to that country would be to preserve the salmon at a preposterous cost. He begged, therefore, to insert "in the county of Cornwall" after the word Ireland.

Mr. CLIVE said, that no precedent could be found for excluding an English county from the operation of a general Bill; and to admit the Amendment would be fatal to the measure, because other counties would immediately put in a claim for a similar indulgence. The Bill contained a proviso in a subsequent clause to the effect that persons should not be liable to penalties where they could show that they had used the best practical means in their power to render such matters harmless, and that would not be very difficult to proprietors of such undertakings as the Cornish mines do. He was ready to insert in the clause words limiting the expenses of applying a remedy to the sum of £200.

Mr. KENDALL said, that £200 was a very large sum, but he would agree to £100.

Mr. HUSSEY VIVIAN protested against damaging the great commercial interests of the country for the sake of preserving a few fish.

Amendment *negatived.*

Clause *agreed to.*

Clause 3 (Commencement of Act),

Mr. CAVENDISH BENTINCK said, the date at which the Act was to commence was the 1st of September; whereas some of the fisheries were actually let till the middle of October, the close season being in some rivers much later than in others. He would move to insert the words "except as hereinafter provided," in order to enable him to move Amendments at a later stage.

Mr. CLIVE said, he believed that the idea that the season in different rivers was different was unfounded.

Amendment *negatived.*

Clause *agreed to;* as was also Clause 4.

Clause 5 (Penalty on mixing poisonous substances in rivers),

Mr. AYRTON said, that as representing a large constituency who dwelt on the banks of the Thames, he would appeal to the common sense of the Committee and of the country against the provisions of this extraordinary Bill. The issue raised by the clause was whether the people of the country were to live by their industry, or whether industry was to be suppressed that salmon might flourish. It seemed to him that, under the clause, where a manufacturer had works draining into a river, the question would not be merely one between him a person having a vested right in the fish, but it would be a question between the owner of the works on the one side and the salmon on the other. He asked whether the right of protection was vested only in the owner of the fish, supposing there was one, or whether it was vested in the salmon themselves?

Mr. CLIVE said, it was intended to protect the fish in the rivers whether they were the property of an individual or otherwise. If they did not belong to an individual owner they belonged to the public, and in either case it was desirable to protect them.

Mr. W. E. FORSTER thought that with some slight alteration the clause ought to be passed. He believed that the result of passing some such Bill as that would be to preserve to the public a very important article of food. He proposed, however, to substitute the word "salmon" instead of "fish."

Mr. CLAY said, he objected to the Amendment, considering it would be fatal to the object of the Bill. He did not consider it was a question of displacing industry by salmon.

Amendment *negatived.*

Clause *agreed to,* as were also Clauses 6 to 11, inclusive.

Clause 12 (Penalty on taking the young of salmon),

Mr. GARNETT said, he would move, by way of Amendment, the insertion of the words "except by rod and line," with the object of protecting sportsmen who might happen to draw out salmon fry.

Amendment proposed, in page 6, line 3, after the word "destroy," to insert the words "except by rod and line."

Mr. CLIVE observed, that no penalties were incurred unless the taking of the fish was wilful.

Colonel PENNANT said, there was such difficulty in distinguishing between trout and young salmon that the Under Secretary of State had been considerably puzzled by some specimens which were exhibited to him, and the gentlemen at the head of the Irish fisheries, he believed, had decided wrongly.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 45; Noes 80: Majority 35.

Clause 19 (Weekly close time),

Lord NEWPORT said, he thought it a harsh measure to close the rivers from Friday until the following Monday. He, therefore, moved as an Amendment, that the word "Saturday" be substituted in place of "Friday."

Amendment proposed, in page 8, line 19, to leave out the word "Friday" and insert the word "Saturday."

Question put, "That the word 'Friday' stand part of the Clause."

The Committee *divided.*—Ayes 103; Noes 16: Majority 87.

Clause *agreed to;* as were also the remaining Clauses.

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday* next.

House adjourned at a quarter after Three o'clock.

HOUSE OF LORDS,

Friday, July 12, 1861.

Minutes.] Public Bills.—1^{a} Landlord and Tenant Law Amendment (Ireland) Act Proceedings.
2^{a} London Coal and Wine Dues Continuance.
3^{a} Inclosure (No. 2); Local Government Supplemental; Transfer of Stocks and Annuities.

UNITED STATES—THE MORRILL TARIFF.—QUESTION.

The Earl of CARNARVON rose to ask the noble Duke the Secretary for the Colonies a question of which he had given him private notice. It would be in the recollection of their Lordships that three or four months ago a tariff called "the Morrill Tariff" came into operation in the Northern States of America. This tariff was thought, and not without reason, to be in antagonism to the interest of both the Southern and the great North Western States, and generally perhaps to the interests of the United States. That was a question on which, of course, he would not enter—but the tariff also acted most unfavourably upon British and Canadian interests. A large quantity of goods was annually sent from this country to Portland, in the State of Maine, to be conveyed thence by railway into Canada. These goods were sent by railway under bond, and until the introduction of the new tariff no inconvenience had been experienced. Under the provisions of the Morill Tariff, however, he understood that all packages were opened at the Custom House at Portland, the contents were examined, and the threads of cotton and linen goods were counted as carefully as though a duty had to be levied upon them. This necessarily caused great delay, and in many instances had led to great loss. It was true that the great bulk of the Spring goods which would be exported to Portland this season had left that port before the tariff came into operation; but he understood that there were now lying there several cargoes which had not been examined, and consequently upon which much loss had been incurred. It was, however, of importance that the attention of the Government should be called to this subject, because it was well known that during many months of the year the river St. Lawrence was closed and all the goods which were exported to Canada were sent by Portland and the railroad to British territory. He should be glad to know from the noble Duke, Whether the Government had received any information of the facts which he had stated, and whether, if the inconvenience which he had referred to had really been experienced, any representations would be made to the Government of the United States upon the subject?

THE DUKE OF NEWCASTLE said, it was not in his power to afford any information to his noble Friend on the matter to which he had referred, nor did he think that, for some time, communications could be made with the Governor General of Canada upon the subject; but as his noble Friend had intimated to him that he intended to put this question to him he had endeavoured to ascertain whether any measures had been adopted relative to the Morrill Tariff and been made known to any Department of the Government, and with that view he had communicated with the Foreign Office and the Board of Trade, but all he had been able to learn was that no representations had been made to the Board of Trade by merchants or others interested in the American trade. He was unable to say whether the anticipations of his noble Friend opposite were correct; all he could say was, that if the inconveniences of which the noble Earl complained really existed, and were such as could be removed by representations to the United States' Government, Her Majesty's Government would not be backward in making such representations; but, at the same time, he thought his noble Friend would perceive that these were evils which were certain to correct themselves; and he could not but hope that the United States' Government would become convinced of the objections to this tariff, and would themselves, and in their own interest, make all the alterations that were required.

RAILWAY BILLS—STANDING ORDER CLXXXV.

LORD REDESDALE proposed an alteration in the Standing Orders in regard to Private Bills, and said, that many of the railway schemes that were brought before their Lordships were often got up by a solicitor, an engineer, and a contractor, who were sure to make a profit out of it, whether it was sanctioned by Parliament or not. They were often very imperfectly prepared, did not accommodate the district which they traversed to the full extent, and were defective in the junctions which they made with main lines. The funds, also, were frequently proposed to be derived only in a small degree from the promoters, and chiefly from some large Company with whose line they formed a junction. It was of great importance that the persons who appeared as the promoters of branch lines should be obliged in the first instance to communicate with the Companies whose main lines they joined; and he believed that that could be done in no other way than that which he suggested. A noble Lord opposite (Lord Portman) had given notice of an Amendment, in which he sought to secure the same object in a different manner; but he (Lord Redesdale) maintained that it would be accomplished more effectually and more legitimately by the means he proposed. The noble Lord's scheme was, in fact, the present system with several additions, which rendered it more objectionable. The noble Lord then moved—

"That the Standing Order No. clxxxv. (formerly 223) be considered, in order to its being Amended in the following Manner: after paragraph 2, to insert—

"3. That no Provision authorizing any Company to raise money, or to subscribe towards, or to guarantee any Money in the Undertaking of another Company, shall be introduced into any Bill which is not brought in by the Company thereby authorized to raise Money, or to subscribe, or to guarantee, or of which such Company is not a Joint Promoter with the other Company, and shall have been named as such in all the

Notices required by the Standing Orders of the House prior to the Introduction of the Bill to Parliament."

LORD PORTMAN had given notice to move as an Amendment,

> "That when in any Bill a Provision is inserted authorizing any Company to subscribe towards, or to guarantee, or to raise any Money in aid of the Undertaking of another Company, which Bill is not brought in by the Company so authorized, Proof shall be required before the Examiner whether the Company so authorized has any Bill before Parliament in which such a Provision could be inserted; in the event of there being such a Bill before Parliament the Examiner shall report the Name or short Title of such Bill to the House; in the event of there being no such Bill before Parliament the Examiner shall report whether Proof has been given that the Company so authorized has consented to such Subscription Guarantee, or raising of Money at a Meeting of the proprietors of such Company, held specially for that Purpose, and that such Provision was approved by the Proprietors of the ordinary Shares of the Company, present in Person or by Proxy, holding at least Three-Fourths of the paid-up Capital of the Company represented at such meeting, such Proprietors being qualified to vote at the Meeting in right of such Capital only; in case no such Proof has been given no such Bill shall proceed without the special Order of the House."

The noble Lord said, that he had the same object in view as the noble Lord the Chairman of Committees, but he thought his proposal would avoid the very large expense which would be entailed in the case of small lines, if the great Companies who were to assist were made joint promoters of the Bill, in the manner suggested by the original motion. He intended by the words in the last paragraph to provide that the Bill should not proceed in the absence of proof of the Order being complied with, precisely in the same way as when the Examiner reported that the Standing Orders of the House had not been complied with; and if those words did not give effect to that intention he had no objection to alter them. Any suggestion from the noble Lord the Chairman of Committees came with great weight, and any counter-proposal from another Peer came with greatly diminished weight; but he thought the safest course would be to be well-advised before either Resolution was adopted, and in a matter of such difficulty as this he hoped his noble Friend would consent to the appointment of a Select Committee, who, in a few hours, might consider the point and advise the House upon it.

LORD EBURY said, he regarded the ordinary shareholders in a railway company as the mortgagors and the debenture holders as mortgagees; and he, therefore, thought the former should have a voice in any increase of debt which would diminish the value of their reversion. All lines of railway conferred great benefits, especially on the working classes, who were enabled to travel over them, and many lines could not be undertaken without the assistance of larger companies. He trusted, therefore, that their Lordships would pause before they threw difficulties in the way of the construction of these small lines, which were often of the greatest value to agricultural districts.

EARL GREY said, that no one could dispute that railways were the source of immense advantage to the country, but it was greatly to be lamented that so many millions of capital had been uselessly wasted on those undertakings. It was quite clear that if there had been a proper system of railway legislation a greater amount of accommodation would have been afforded to the public at the same time that a higher amount of interest would have been secured to the shareholders. Both the noble Peers who had spoken concurred in stating that under the existing system there was great abuse, and it was the duty of Parliament to guard against that abuse as much as possible. Parliament ought not to be asked to pass Bills for branch railways on the faith that great companies would subscribe unless the question was fairly brought before the shareholders of those companies whether they would subscribe or not. The directors should not be permitted to engage in undertakings which could not pay, and which could only result in loss to their shareholders, without first having their sanction. It was not very material in what manner the difficulty was met, but on the whole he preferred the Amendment, with the omission of a few words towards the conclusion of it.

THE MARQUESS OF CLANRICARDE said, he was not surprised that their Lordships should have digressed into a discussion of much more importance than the consideration of a Standing Order. There had been a great waste of money upon railways as compared with the accommodation which they afforded, and this was partly owing to the vicious tribunal which dealt with them, and partly to the assistance given by the great companies to new lines, not in consideration of the wants of the districts, but of the extent of territory which they could thereby secure against their rivals. He agreed that the shareholders in large companies should give their assent to any scheme on which it was proposed that their money should be lent, and he thought the Amendment of the noble Lord (Lord Portman) would give effect to that object in a more temperate manner than the original proposition of the Chairman of Committees. It was mostly on compulsion that the great companies had given their assistance to the small lines. Their Lordships ought to be very cautious how they imposed further checks on the construction of small lines, which were essential to the improvement of the country.

THE EARL OF LUCAN hoped their Lordships would pause before they adopted either noble Lord's Resolution. He had had considerable experience of railways in Ireland, and if this Resolution had been in force for the last eight or ten years the progress of the railway system in that country would have been very much impeded.

EARL GRANVILLE said, there could be no doubt that the tendency of this Standing Order would be to check the promotion of branch lines, which, in many cases, were very advantageous to the country. The two noble Lords who had spoken first on this subject agreed as to the existence of the evil, but differed as to the remedy to be applied, and of the two he thought it would be much safer to appoint a Select Committee, composed chiefly of noble Lords who were in the habit of taking part in the private business of the House, than to rush into the adoption of the Resolution which the noble Lord opposite had moved.

LORD REDESDALE said, he was perfectly prepared to acquiesce in any proposition which would tend to remove the evil of which he complained, and if noble Lords would give their time and attention to a Select Committee he should be very glad to have the matter referred to it. He must protest, however, against the doctrine that great Companies should be compelled to subscribe their money to make lines which were in no way profitable to them. It was not fair that because many of their directors happened to be mixed up a great deal with persons who were concerned in getting up these schemes that, therefore, the shareholders should be injured by having their money subscribed to lines which could be no benefit to them. The small remuneration which railway property now earned was owing chiefly, he believed, to competition to get hold of districts which did not enter into their original schemes. Railway companies had shown too great eagerness to become great concerns, and with that view had undertaken matters which did not repay them the price they had to pay. What he desired was that railway companies should carefully consider all these points before they came forward to undertake new schemes. He would consult with the noble Lord opposite as to the appointment of a Select Committee.

Motion (by Leave of the House) *withdrawn.*

Select Committee *appointed,*

"To inquire into the Manner in which Companies shall be authorized to subscribe or guarantee any Money to be employed in the Undertaking of any other Company." The Lords following were named of the Committee; the Committee to meet on *Monday* next, at Four o'Clock:—

E. Lucan.	L. Colchester.
E. Lonsdale.	L. Portman.
L. Wycombe.	L. Overstone.
L. Redesdale.	L. Churston.

STATE OF TURKEY—ADDRESS FOR PAPERS.

VISCOUNT STRATFORD DE REDCLIFFE, moved that an humble Address be presented to Her Majesty for

"Copies or Extracts of any Correspondence which has passed between the Foreign Department and Her Majesty's Embassy at Constantinople in the last and present Years on the Subject of Financial or Administrative Reforms in Turkey, especially of such as were proclaimed in the late Sultan's Hatt-i-homayoon of the Year 1856, and more particularly since the Accession of the reigning Sultan,"

The noble Lord said, it will be within your Lordships' recollection that about a fortnight ago I put a question to the Under Secretary of State for Foreign Affairs relative to the late demise of the Sultan Abdul Medjid. I did not anticipate at that time that it would be necessary for me to go at any length into the question, because the answer which I received was sufficiently satisfactory; but it may also be within your recollection that my noble and gallant Friend opposite (the Earl of Hardwicke), stimulated by the interest which he takes in all public matters, and especially in this particular subject, made what I may be allowed to call an onslaught, not upon me personally, but upon questions with which I had been intimately connected in Turkey. The rules of the House prevented me from at once going into those observations in the manner which the importance of the question and the authority of my noble and gallant Friend required, and I was, therefore, compelled to announce my intention of bringing the subject before you on another occasion. At this moment I should be glad to be permitted to put off the subject to another day, from personal causes of indisposition, but on looking at the notice paper I find no opportunity will be open to me for another fortnight, and the Session will be so far advanced then that the opportunity will be lost altogether. The noble Earl seemed to be under the impression that the policy pursued by us with respect to Turkey for some years back had been one of an entirely mistaken character, and had been productive of mischief instead of good. If I understood him aright, his impression was that there was not the slightest prospect of any effect being produced on the great interests of that empire, that the reforms which had been adopted were merely of a formal character, and would lead to no consequence, and that the only chance of succeeding was by the conversion of the whole Mussulman population to Christianity. I should be sorry if at a moment that may be called critical in the affairs of Turkey—that of the transfer of the chief authority from one Sultan to another—any false impression should go abroad of the opinion of this House. It is on that account that I venture to trespass for a few moments on your Lordships' indulgence, not with a view of affording any information to your Lordships, but of calling attention to some points of the subject that ought not to be lost sight of at a time like this, when the supreme power has devolved from one member of the Imperial family to another. It is important to consider whether the system that has been pursued so long in Turkey is to be counteracted by a Sultan of a different character; or, whether, by taking up the late Sultan's policy, he will, by greater energy of character, give hopes that the dangers connected with the state of the empire may be averted. I have already paid what I think is but a fair tribute to the late Sultan, under whose reign of more than twenty years Turkey has undoubtedly made great progress in improvement. I think it would be sad if, now he has passed from life under the shadow of the calamities that clouded the last year of his reign, all that he did for the empire should be subjected to censure and reproach. It is a matter of great interest whether the reforms introduced under his reign shall fall into disuse, or whether, by the proper support of Her Majesty's Government and its allies, we are to realize the expectations formed of them. This, my Lords, is a matter in which this country has a real interest. It is not necessary for me to point out the vast extent of the Turkish empire or the advantages of its extensive commerce with this country. We know that this commerce has been a matter of interest to England for two or three centuries, and that it has lately been considerably increased by trade with Persia and the provinces on the Danube; and this trade may be still further increased for the future. At this moment, when there is a prospect of our suffering severely by the unfortunate events now taking place in America, our commerce with the East is of especial importance. It is the opinion of those well qualified to judge, that much of the soil of Turkey is adapted to the cultivation of cotton. But, of course, no such cultivation can be promoted by British capital, unless it is secured by an improved system of legislation in the Turkish Empire. On that ground alone, in addition to others, there is every reason to wish that the reforms that have so often occupied the attention of this country should be carried into effect. We know also that our political influence requires us to attend to our interests in Turkey. If that empire continues to decay, without assistance from Europe, it will be reduced to a state that will excite the attention and ambition of its powerful neighbours, and render necessary some steps to procure a new settlement of Europe. This cannot but be a source of danger—it is shown by the strong steps and the many efforts this country and the other Powers of Europe have made to stave off that peril. The policy of this country, from the earliest period of its connections with the East, proves the interest we have always taken in the affairs of Turkey. In the last century, and even earlier, we interfered between other Powers and the Porte. Of late years the course of events in Turkey has excited apprehensions that that empire is tending to dissolution, and it has been judged necessary to take stronger measures and interfere in a more marked manner to avert the danger apprehended.

In several cases during the present century England has interfered, not only by her counsel and mediation, but with fleets and armies. And it is natural to ask the question whether all these costly sacrifices are to be thrown to the winds, or whether we are further to seek to realize the results for which we have so strenuously endeavoured. The alternative presented to us is, whether we will see the whole of that part of Europe engaged for a lengthened period in a sanguinary struggle, and perhaps ourselves take a share in the spoliation, which must be the result of that struggle; or, whether we will take such measures as may prevent the contingency of such a struggle arising at all. I think we should expose ourselves to just reproach, and incur a deep responsibility, if, at a moment of so much importance, we left it at all in doubt whether the policy we have always pursued is to be continued. From the accounts recently received from Constantinople I am inclined to think the course of the present Sultan has been satisfactory. He seems to have acted in a manner that does credit to his wisdom and sense of justice. But, at the same time, we must not confide too entirely on these reports. I think some of these statements are founded on great exaggerations. Thus, we have heard that nearly 2,000 ladies have been dismissed from the late Sultan's seraglio. Now, there are only four of the wives of the Sultan who are recognized by law, but there is a minor rank of wives that extends to three others. But even if we double this number, which would be a fair allowance, we must suppose that each of these ladies had seventy or eighty attendants. I have no doubt that my noble Friend has more authentic information that I can possess, and I trust that he will be able to tell us whether present appearances are such as to justify the hopes which are entertained. Such being the case, it is most important that there should be no mistake as to the opinion of this House. The Sultan will be exposed to unpopularity amongst persons connected with his own immediate circle in prosecuting the reforms which have been promised; it would be most disastrous if that unpopularity were encouraged by any mistaken idea of the feelings of this House, and it would on the other hand, no doubt, cheer him to find that his policy meets with the cordial support and sympathy of Her Majesty's Government. I trust your Lordships will allow that the view I have taken of this subject is consistent with historic truth and with the policy which has long been pursued by this country. I cannot exaggerate the importance of continuing in the same line of policy. But we are told that that policy is useless—that the Turkish Government is exposed to so many dangers that it is impossible to prevent them entirely, and that our utmost efforts cannot guard against that catastrophe which we all dread. There is no doubt as to the extent of the danger to which the Ottoman Empire is exposed, arising from a long continued system of mal-administration, which has reduced that country to its present unsafe, and, in some respects, degraded condition. Still, as I have said, there has been progress in recent times. Strangers who have visited the country have noticed improvements, and have published their observations upon them — especially improvements in the condition of that part of the population which is most entitled to our sympathies—the Greek population. I remember the time when the establishment of a Greek kingdom was a most popular idea in this country. There were then persons who thought that we were dealing a violent blow to the existence of our old ally by the part we took in the contest which led to the formation of the kingdom of Greece. I took a different view of the matter, and thought I saw ground for expecting great improvement in the condition of the Turkish Empire from the establishment of an independent Greece. How could it have been possible to establish an independent kingdom of Greece without compelling the Turkish Government to improve the condition of the Greek subjects who still remained under its sway? And, again, how could the condition of their Greek subjects be ameliorated without involving an improvement in the condition of the Mussulman population? I believed that I saw a prospect of vast improvement throughout the East. If all the hopes I then entertained have not been entirely realized considerable progress has been made towards their fulfilment, and when we look around us and see what are the reforms attempted in other parts of Europe, and what great changes have taken place during the present century, we must admit that there have been great difficulties in the way of effecting reforms, and that time was required to carry them into complete operation. On the whole, I think that the present aspect of affairs in Turkey is calculated to encourage our hopes, that by persevering in the policy which is disapproved by my noble and gallant Friend we may yet avoid the evils which are apprehended, and succeed in establishing peace and order in that empire. There is another circumstance which we must bear in mind. Notwithstanding the degree of weakness into which Turkey has fallen, there is no doubt about her vast resources; and if, by the due execution of those reforms which have been recorded in treaties, a better state of things could be brought about, those resources will be opened out more fully than they are at present. There is hope of that result being arrived at if we persevere in the same course of policy which we have hitherto adopted. A large portion of the Turkish population are very fanatical in their opinions; and, in order to obtain the complete carrying out of the reforms which have been promised, and which alone can lead to the full development of the resources of Turkey, there must be a steady, friendly, but sufficient pressure upon the Turkish Government. But I admit that all these motives for perseverance would be inadequate to prevent hesitation as to our policy if there was not another reason. Beyond the reasons I have given, I must remark that we are positively bound by solemn obligations to support and assist the Turkish Empire to the last extremity. I maintain that the honour of England under our present engagements requires us to use our arms and expend our treasure to prevent the Turkish Empire from falling to pieces; just as we made sacrifices and incurred great risks to redeem our pledges to Portugal early in the present century. If the Turkish Empire is in danger, if it be true that we have a great interest in seeing that Empire placed in a more secure position, it is, I say, only consistent in us to do all that lies in our power to redeem our pledges to that country in order to prevent the occurrence of the apprehended mischief. It seems, therefore, plain that we ought to persevere in the policy which we have so long adopted. The House will hardly be surprised that I, although one of the least worthy of its Members, should attempt, before it is too late, to elicit from them an expression of opinion in favour of the maintenance of the Ottoman Empire, in order that the statement of my noble and gallant Friend may not go forth without being accompanied by some declaration of this House that we should continue to follow that course of policy which has already been attended with great results, and which justifies sanguine hopes for the future. This is the more important, because, in preparing for an apprehended evil, we are not called upon to make any immediate sacrifice nor to embroil ourselves with any other Power; but, in persevering in the course I have suggested, we shall obtain, if not the complete fulfilment of our hopes, yet great beneficial results, by giving additional security to our commercial relations, and giving greater stability to the empire which we have undertaken to support. My Lords, I have been unwilling to enter into details on a subject which, in its general bearings, is so well known to all of us; but which, at the same time, is not known to the country at large to the extent that could be desired—a subject, indeed, in respect to which so great a degree of ignorance prevails, that one of the most intelligent writers on such questions has lately made a remark which I take the liberty of reading to your Lordships. The work to which I refer is written in French, and this is its opening sentence—

> "Il est remarquable que, dans l'état actuel de la politique en Europe, la Turquie, malgré l'importance de son rôle, malgré la navigation à vapeur, malgré les progrès de la statistique moderne, continue à être aussi peu connue comme elle l'était durant les deux derniers siècles."

Although it would be great presumption on my part to suppose that I could convey any instruction in this matter to your Lordships, and still less to Her Majesty's Government, yet it is to be feared that a very large proportion of the people out of doors, who have the means of learning what passes in this House, are in want of information in regard to it. It is of great consequence that the country at large should understand the nature of our relations and interests connected with the Turkish Empire—what is the policy that we have pursued for many years, the obligations under which we have been placed, and the danger against which we have to provide; because, how can we expect Her Majesty's Government to feel themselves at liberty to adopt a stronger policy, and, above all, to incur any immediate sacrifices, should that unfortunately be necessary, unless they have an intelligent and instructed public to back them? I humbly conceive, therefore, that I am discharging a duty in drawing attention, even beyond the precincts of this

House, to a subject of so much importance, and which, in times like these of great and sudden changes, may perhaps be brought home to our own doors sooner than we expect. It is, my Lords, with much reluctance that, even without entering into details, I have trespassed on your notice, especially at this advanced period of the Session; and most happy should I be if, in retiring from your Lordships' presence, I should feel that I had so fully discharged my duty towards this question that, whatever may happen hereafter, I should never again have to open my mouth upon it. If I have the good fortune to have impressed your Lordships' minds with the truth of the facts and the correctness of the arguments which I have brought forward, I shall hope that, upon reflection and fair consideration of the great and leading points of the question, I shall have the satisfaction of eliciting from Her Majesty's Government a declaration sufficient to answer the expressions which lately proceeded from a noble and gallant Earl opposite; and to show that the Turkish Government, in its new circumstances, will be adequately encouraged and sustained in the arduous task which it has undertaken, but which it has hitherto been so imperfectly executed. It is surely no exaggeration to say that, in the present state of the world, the Government and the Parliament of England have a great duty to perform in this matter, and that a heavy responsibility must attend any indifference or negligence in its performance. The mission which they have to fulfil is one of the most solemn and sacred nature. It is a mission of knowledge, of freedom, of humanity—a mission dictated by the purest motives, and, I may add, sanctioned by Christian principles. For its due fulfilment, the power and influence which we possess as a nation have been entrusted to us; and it should ever be remembered that any apathy or lukewarmness in respect to that great end may involve the forfeiture of the means. I thank your Lordships for the kindness with which you have listened to me, and beg to conclude by moving the Address of which I have given notice.

LORD WODEHOUSE said, that his noble Friend spoke with so much authority on all subjects relating to Turkey that it was with some hesitation that any one must differ from him; yet he ventured to think that the present moment was not peculiarly opportune for raising a discussion on internal reforms in the Turkish Empire. He quite agreed with the noble Lord in the general necessity for those reforms in that country; and probably there was not one Member of that House who had paid any attention to the subject who was not of that opinion. Having had occasion more than once to trouble the House with observations of his own on this matter, he was the more reluctant now to repeat what he had already stated; but while concurring in the general necessity of reforms in Turkey, he thought that at the present moment, when there had been a recent change in the reigning Sovereign of that country, and when the Government had had, as they conceived, distinct proofs that the new Sovereign was disposed to inaugurate his reign with salutary reforms, it was more becoming in foreign Powers to wait and see whether the Sultan persevered in the course he had commenced, than by advice which would now be unreasonable and premature, to deprive him, in the eyes both of his own subjects and of Europe, of the credit which he would naturally reap from having begun his rule as he had done. The new Sultan had proclaimed his intentions in the most authoritative manner, by what was called a *hatti-scheriff*, and from that document, as published, their Lordships would perhaps allow him to quote one or two sentences. The Sultan says—

> "I am firmly resolved on what all the world knows it is, with the help of God, my most earnest desire to increase—the prosperity of the State and the well-being of all my subjects without distinction; and I have confirmed in their entire fulness all the fundamental laws which have up to the present been promulgated and established with a view to promote this happy end, and to insure to all the inhabitants of my dominions life, honour, and the enjoyment of their property."

And his Majesty concluded in these words—

> "I also firmly proclaim that my desire for the prosperity of my subjects will know no distinction, and that those of my people who are of different religions or races shall find in me the same justice, the same solicitude, and the same perseverance in assuring their prosperity. The progressive development of the rich resources with which God has endowed our empire, the true progress of the welfare which is to result therefrom for all who live under the shadow of my imperial power, and the independence of my great empire, shall be the object of my constant thoughts."

It was impossible that a more distinct assurance than this could be given that it was the intention of the present Sultan to maintain the laws established by his predecessor, and, what was more to the purpose, that he would endeavour to carry out those laws. It was manifestly too early yet to judge of what the result of those promises might be, because it was only a few days since His Majesty had ascended the throne; but it was only due to the new Sultan to say that the actual measures which he had already taken gave an earnest that he did not mean to confine himself to mere words. The Government necessarily had not much information as to events that were so recent; but it appeared certain that the Sultan had taken measures for putting an end to the extravagant expense of the establishment of the late Sultan, thereby destroying one of those abuses which undoubtedly brought most discredit on the late reign. And although the Government were not at all prepared to lay on the table, as his noble Friend rather seemed to expect, the statistics of the late Sultan's seraglio, as his noble Friend had alluded to that subject he might say that the present Sultan shared with his Christian subjects the advantage of having only one wife, and also shared with his Mahommedan subjects that peculiar temperance in wine which was one distinguishing characteristic of their religion. Nothing reflected greater credit on the deceased Sovereign than the way in which he treated the brother who had succeeded him; because it was owing to that treatment that the present Sultan enjoyed that freedom of intercourse with the world, and those opportunities of improving himself which were formerly denied to members of the Imperial family. The present Sultan was believed to be a man of considerable energy of character, and was said to have declared to his Ministers, in the most distinct and earnest manner, his determination to apply his mind and all the power he possessed to the reform of the abuses which prevailed in his empire. It was most desirable that he should have the sympathy and support of the Christian Powers, and in no way could that support be better given than by allowing him time to show to his subjects that it was because he himself saw the necessity of reforms, and not because they had been forced upon him by foreign Powers, that he had adopted them. In that way he would be able to establish his throne far more firmly than he could by carrying out any measures which were dictated to him by foreign Powers. After all, the stability of every Government must depend upon the principles which itself professed, and not upon those which were imposed upon it from without; and if the present Sultan was convinced, as he trusted he was, that the reforms which he had promised were necessary to the safety and welfare of his empire, and showed that he entertained that conviction, he would produce an effect upon his Mussulman subjects and obtain an influence over them such as could not be obtained by any Sovereign the adoption of reforms by whom was suspected by his subjects to have been forced upon him by foreign Powers. He agreed with his noble Friend that this was a most important crisis in the history of the Turkish empire and of its relations with foreign Powers. He was anxious that the Turkish Government should have full leisure to carry out the measures of reform which had been promised: but, at the same time, he admitted that, considering the interest which we must take in the preservation of the independence and integrity of the Turkish Empire, in the maintenance of our treaties, and in the promotion of everything that could conduce to the prosperity of that empire, it would ill become Her Majesty's Government—and he was sure that it was far from their intention—to lose sight of those reforms, to the adoption of which we attached the greatest importance, and which he trusted that the present Sultan would soon carry into effect. If his noble Friend would consent to alter the terms of his Motion, so that it might not include Correspondence during the reign of the present Sultan which was of such extremely recent date, he should have no objection to the production of the papers moved for.

The Earl of HARDWICKE said, that he was very much tempted to reply to many of the arguments of his noble Friend opposite: but the noble Lord the Under Secretary for Foreign Affairs had made so clear and distinct a statement that the Sultan was to be allowed to conduct his affairs as an independent Sovereign that he did not think it necessary to prolong this discussion. He was anxious that, in carrying out any reforms which he might be disposed to adopt, the Sultan should receive all the support which Her Majesty's Government could give; and he hoped that in giving this Correspondence the noble Lord would also produce that which took place during the visit of his noble Friend opposite to the Sultan.

Lord WODEHOUSE could not, without consultation with his noble Friend at the head of the Foreign Office, promise to give this Correspondence.

VISCOUNT STRATFORD DE REDCLIFFE had no objection to alter his Motion as suggested by the noble Lord the Under Secretary of State. He had no desire to rush into the councils of the Sultan; his only object had been to show that he ought to be encouraged to the utmost extent by Her Majesty's Government in making the reforms which he had promised.

Motion, as amended, *agreed to*.

LABOURERS' COTTAGES BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DEVON moved that this Bill be read a second time. Its object was to promote the building of improved cottages for labourers, by giving, in certain cases, greater facilities for borrowing money to be applied to that purpose. No fact was more firmly established than that inadequate and impure cottage accommodation was the source, not only of physical, but of moral degradation to the inmates. The estate, also, suffered from the imperfections of the cottages upon it, and would be benefited by their improvement. There were many cases where proprietors with large estates, through having only a limited interest or legal disability, could not procure the funds to carry out improvements. The object of the Bill was to enable persons so situated, through the intervention of the Inclosure Commissioners, to apply a limited sum of money, under certain sanctions and conditions, to the erection of cottages, and to charge the expenditure on the inheritance. That principle had been repeatedly recognized, both in public and private Bills, and Parliament had also acknowledged that the improvement of the houses of the working classes was worthy of encouragement. As no novel or startling principle was involved in the measure, and as its object was one which their Lordships must approve, he hoped they would give it their sanction.

Moved, That the Bill be now read 2ª.

LORD PORTMAN thought that their Lordships would do well to pause before they committed themselves to such a public Bill founded on the principle that the tenant for life should be allowed to charge the inheritance of his estate with the outlay for improvements and repairs of cottages which he had made. The subject had been under the consideration of various Committees, but none of them had admitted that cottage property was of that permanently beneficial character which would entitle expenditure on that head to be charged against the heir, but had held that such wills were peculiarly the duty of the tenant for life. The Bill fixed the amount to be laid out on a cottage at not more than £120; but after deducting £20 or £50 for the expense of putting in motion the ill-considered machinery of this Bill, a sum would be left which might suffice for a Devonshire cob house, but scarcely for a substantial cottage. He believed that the machinery of the Bill as developed in the Clauses, was of so cumbrous a character as would render it practically inoperative, and many of the clauses cannot be amended in consistency with the privileges of the House of Commons. He, therefore, moved that it be read a second time that day three months.

Amendment *moved*, to leave out ("now") and insert ("this Day three Months.")

THE EARL OF GALLOWAY reminded their Lordships that the principle of the Bill had been already sanctioned by Parliament in an Act which was passed last Session in reference to Scotland. It was very desirable that the erection of good cottages should be facilitated; and he hoped the House would at least read the measure a second time. It might be modified in Committee, if necessary.

LORD REDESDALE thought that what was proposed to be done by means of this Bill could already be done under several Acts of Parliament through the Inclosure Commissioners; and there were also some provisions in reference to persons possessing the fee-simple which seemed to him to be useless. Nobody was more desirous than himself that the cottages of labourers should be improved, but he thought it was hardly desirable to pass this Bill for the purpose of instituting a new way of raising money for the purpose.

VISCOUNT DUNGANNON said, it was important in a moral point of view that cottages should be erected which would conduce to the comfort and health of the occupants, and as many persons in possession of estates could not afford, to make the necessary outlay, he thought it desirable that they should be assisted, if it could be done without detriment to the inheritance. He did not approve some of the details of the Bill, but it seemed unfair not to allow it to be committed.

On Question, That ("now") stand part of the Motion? their Lordships *divided*:—Contents 13; Not-Contents 16: Majority 3.

Resolved in the *negative*, and Bill to be read 2ª, *this Day Six Months.*

BOOK UNIONS BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Lord BROUGHAM, in moving the second reading of this Bill, said it simply extended to libraries and book societies the principle of the art unions act, which had been found very useful in cultivating the taste of the working classes. Every subscriber would receive a book of the value of his subscription and a chance at the end of the year of gaining by a raffle a choice of books of specified value from a catalogue. No money would be given, and every precaution would be taken that, in encouraging reading, they should not encourage gambling. The Bill came from the other House, where it was unopposed, and, was supported by the Secretary of State for the Home Department.

Moved, that the Bill be now read 2ª.

Earl GREY said, he doubted whether in respect to art unions the principle legalized by Act of Parliament was a wise one. But there was this reason in their favour—that it was impossible for many persons fond of art to purchase pictures for considerable sums, and as purchasers were found for them by the system of combination art was encouraged. The same reason did not apply to books, because there was no difficulty in printing any book which was worth it. If the principle that they ought not to encourage lotteries or games of chance were a sound one, no reason could be assigned for departing from it in the case of books. It was highly inexpedient to depart from the recognized principle of our law without a proved necessity, and he should, therefore, move that the Bill be read a second time that day three months.

Amendment *moved*, to leave out ("now") and insert ("this Day Three Months.")

Lord Denman supported the Bill.

Earl GRANVILLE was sorry to oppose any Bill proposed by his noble and learned Friend, but if the noble Earl pressed his Amendment to a division he should feel compelled to support him.

Viscount Dungannon

Lord BROUGHAM said, that when the Bill was in the other House, the Home Secretary not only voted for it but spoke in its favour. He did not bring the measure forward as one of necessity, but of expediency, and of great advantage, not to booksellers, printers, or authors, but to readers. It would tend very much to encourage reading among a class who, at present, were not much given to it. He wished it to be distinctly understood that it was not owing to any fault of his that the Bill was lost.

On Question, That ("now") stand Part of the Motion?

Resolved in the *Negative;* and Bill to be read 2ª *this Day Three Months.*

House adjourned at a quarter before Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 12, 1861.

Minutes.] Public Bills.—1° Pensions (British Forces), India; Public Works and Harbours; Lord Clerk Register (Scotland); Enlistment in India.

2° Conjugal Rights (Scotland).

3° University Elections; Vaccination; White Herring Fishery (Scotland); County Voters (Scotland).

PAROCHIAL AND BURGH SCHOOLS (SCOTLAND) No. 2 BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 9 (Parochial Schoolmasters not to be required to sign Confession of Faith or Formula, but to make a Declaration and to undertake to conform to the Shorter Catechism),

Mr. HADFIELD objected to the test proposed in the clause, and said that he would take the sense of the Committee upon that proposition. The paltry sum of £35 a year which was paid to these persons ought not to be made the means of violating the principles of civil and religious liberty—the very weakness of such persons ought to be a protection against such legislation. The present Bill was a renewal of the Test Act in its most odious forms. It was an act of gross cruelty to stultify a poor schoolmaster, and demoralize him by applying to him this test and calling upon him to take a solemn oath, which throughout the whole of his life would bear heavily upon his conscience. He appealed to the learned Advocate General not to insist upon this test. Entertaining a strong opinion to the principle embodied in the clause, he should move its omission from the Bill.

Question put, "That Clause 9, as amended, stand part of the Bill.

The Committee *divided*:—Ayes 45; Noes 9: Majority 36.

Clause *ordered* to stand part of the Bill.

Clause 10 (Jurisdiction of the Presbytery in cases of immoral Conduct or Cruelty transferred to the Sheriff),

MR. DUNLOP objected to the omission in this clause of charges for neglect of duty, which instead of being transferred along with those for immoral conduct and cruelty to children were still left to be tried by the Presbytery, and contended that neglect of duty, like other charges, should be tried by the sheriff. He proposed the insertion of words which would have that effect. Presbyteries, he maintained, were the worst possible tribunals for judicial functions, and the result of the jurisdiction allowed them by the Act 1803 had been that, although their sentences were declared by the statute final and not subject to revision, yet their blunders in procedure, and not keeping within the Act, had so constantly laid them open to challenge, and so many of their sentences had been quashed after long litigation, the expenses of which fell on the mentors or the Presbytery themselves, that scarcely any process was ever instituted now against a schoolmaster, and many improper parties were thus allowed to continue in office. Besides, it would be a mockery to open the parish schools to teachers of other denominations and leave them liable to be tried and deposed by the church courts of that establishment.

THE LORD ADVOCATE objected to the Amendment. The jurisdiction of the sheriff was confined to criminal cases, and the general superintendence of the Presbytery was preserved by the Bill. He would not object to take from the Presbytery the power of deposing a schoolmaster, but he thought cases of neglect of duty ought to be under the superintendence of the Presbytery.

MR. BLACK said, that the position of these unfortunate schoolmasters appeared to be very hard indeed; for, not content with compelling them to pass through the meshes of numerous examinations, it was proposed to establish something like a police in the shape of the Presbytery to watch over him as though he were a person not fit to be trusted. He could not help thinking that the whole Bill was a mockery and a delusion, and one which would not be attended with any beneficial result to the cause of education in Scotland. He hoped that the time would soon come when they would have a Ministry not afraid to deal with this question in a liberal spirit. It would be very much better if the Bill were lost, and they had to wait a little longer for a better measure.

THE LORD ADVOCATE said, it was no doubt quite true that the Bill did not go so far as could be wished, but still it was a step in the right direction, and one which would open the schools to the children of both classes, and would form a useful basis for future enlightened and liberal legislation.

MR. BUCHANAN considered that, although the Bill was not altogether satisfactory, he still regarded it as a step in the right direction, and hoped that the hon. Member for Greenock would not press his Amendment.

MR. DUNLOP said, that his Amendment was, in his opinion, essential to the good working of the Bill, and declined to withdraw it.

SIR EDWARD COLEBROOKE attached great importance to the Amendment, and thought that they ought to deprive the Presbytery of every rag of judicial power which they now possessed, in order that the Dissenters might be convinced that justice would be done to them in the management of the schools.

MR. MURE said, the Bill had been framed with a view to the satisfaction of all parties, and to secure its passing in that and the other House. If they were to deprive the Presbytery of all power of interference in the case of neglect of duty, they would reduce them to a state in which they would have no power of superintendence whatever.

MR. BLACKBURN said, the effect of the Amendment would be to separate the schools from the Church altogether. That would be entirely opposed to the object of the Bill.

MR. CARNEGIE had no fears that the Presbyteries would abuse the power granted to them by the Bill, and opposed the Amendment.

MAJOR CUMMING BRUCE asked why they should deprive the Presbytery of that remnant of connection with the schools which they had so long enjoyed? It was to the Church they owed the schools, and it was the connection of the Church with them that had led to the happy union of secular and religious teaching which had so long distinguished the schools of Scotland.

COLONEL SYKES would support the clause as it stood, as it was only by preserving it in its integrity they could hope to pass the Bill.

MR. G. W. HOPE thought they should at least leave the Presbytery to judge of the daily doings and shortcomings of the schoolmaster. They had deprived them of every other power in connection with the school; but, as they must be the best judges of the schoolmaster's conduct, he thought they should be allowed to retain the superintendence that was still left to them.

MR. DUNLOP would withdraw his Amendment, provided the Lord Advocate would consent to take from the Presbytery the power of libelling the schoolmaster.

SIR JAMES FERGUSSON thought each side ought to make concessions on this question; but he begged to observe that the withdrawal of powers from the Presbytery proposed by this Bill would create pain among many persons in Scotland.

THE LORD ADVOCATE said, he was prepared so to amend the Bill, that the Presbytery should be invested merely with the power of censure and suspension, and not with the power of dismissal.

LORD STANLEY asked how long the suspension of a schoolmaster might continue, and whether it would involve a loss of salary?

THE LORD ADVOCATE said, that the suspension, like an ecclesiastical censure, could be prolonged indefinitely, and that it would involve a loss of salary as long as it continued.

MR. G. W. HOPE said, that there was no reason to apprehend that the heritors would allow the school to be closed for any length of time; so that practically the power of suspension would not be of an indefinite extent.

LORD STANLEY suggested that some positive limit should be placed on the power of suspension.

THE LORD ADVOCATE said, he was ready to adopt that suggestion. He would limit the power of suspension to a period of three months; and he hoped that under those circumstances the hon. and learned Member for Greenock would not press his Amendment.

MR. DUNLOP said, that in answer to the appeal of the Lord Advocate, he would withdraw the Amendment. He felt less difficulty in doing so, as he had reason to think that, on a division, he would not receive the support of many of those Members who agreed with him upon the general principle.

Amendment, by leave, *withdrawn.*

MR. DUNLOP proposed the insertion of words which would entitle the Presbytery to institute proceedings against a schoolmaster on the application of the heritors and minister, or of any six heads of families in the parish who had children attending the school.

THE LORD ADVOCATE accepted the Amendment.

SIR JAMES FERGUSSON thought the Amendment would give power to persons in the parish needlessly to annoy a schoolmaster.

Amendment *agreed to.*

On the Motion of Mr. MURE, words were added to deprive a schoolmaster of his salary when under suspension, and to appropriate it towards providing a substitute.

Clause as amended, *agreed to*, as was also Clause 11.

Clause 12 (Repeal of Clauses of the recited Act requiring an Estimate of the Value of Grain to be made at successive Period),

THE LORD ADVOCATE proposed to add words to the effect that the right of electing a parochial schoolmaster *jure devoluto*, conferred by a 15th section of the recited Act on the Commissioners of Supply of the county after the expiration of four months from the time when the vacancy in any parochial school had taken place, should not arise or accrue to the Commissioners of Supply until the expiration of six months from the time of such vacancy.

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 13 *omitted.*

Clause 14 (Schoolmaster's House to consist of Four Apartments),

MR. LOCKHART proposed the addition of words to enable heritors to take ground for the schoolmaster's house, &c.,

and to provide an adequate supply of water.

THE LORD ADVOCATE objected to the Amendment, which would impose a heavy expenditure in many instances.

LORD STANLEY said, the words proposed gave a very great power to a very limited body. They would enable the heritors to take any ground they might fix upon.

Amendment *withdrawn.*

Clause *agreed to.*

Clause 15 *agreed to.*

Clause 16 (Schoolmasters in Royal Burghs not to be required to sign Confession of Faith or Formula of Church of Scotland),

MR. DUNLOP moved to insert, in line 12, after "thereof," the following words, "nor shall any such schoolmaster be subject to the trial, judgment, or censure of the presbytery of the bounds for his sufficiency, qualifications, or deportment in his office."

THE LORD ADVOCATE assented to the Amendment, and the clause as Amended was agreed to.

Clause *agreed to,* as were also the remaining Clauses.

MR. DUNLOP moved a new Clause to enable heritors from time to time to discontinue existing side schools.

Clause *agreed to.*

MR. DUNLOP moved a new Clause to enable the heritors to appoint a female teacher.

Clause *agreed to.*

MR. DUNLOP moved a Clause to the effect that teachers might be required to resign, provisions being made for them during life.

Clause *agreed to.*

MR. DUNLOP moved a Clause to enable the electors of schoolmasters to choose more than one candidate to be tried by examiners.

Clause *negatived.*

SIR JAMES FERGUSSON moved a Clause to the effect that, upon agreement between the heritors and schoolmaster, the office of schoolmaster might be declared vacant, a retiring pension being provided.

Clause *agreed to.*

THE LORD ADVOCATE proposed that the following should come after Clause 9:—

> "It shall be competent for the Presbytery of the Bounds, or for the heritors, whensoever they shall see cause for instituting proceedings against the schoolmaster of any parish for contravention of the said declaration, to present a complaint to one of Her Majesty's principal Secretaries of State against such schoolmaster; and it shall be lawful to the Secretary of State thereupon to appoint a Commission to inquire into the said charge, and to censure, suspend, or deprive such schoolmaster, as they shall find to be just, provided that no such sentence shall take effect until it has been confirmed and approved by the Secretary of State."

MR. BLACK objected to the clause. He believed it would not be put in force; but if proceedings were never taken under the clause it would be a mere sham, and ought not to be enacted.

MR. ADAM also objected to the clause, and contended that the only true course was to separate religious from secular teaching, and leave the people to say what religious teaching should be given to their children.

THE LORD ADVOCATE said, the people of Scotland were divided in opinion upon many things, but they all agreed in this, that secular and religious teaching should not be separated from each other.

MR. ADAM did not mean to exclude religion from the schools; but held that the people should be left to choose religious education for themselves and their children.

SIR EDWARD COLEBROOKE objected strongly to the test that had been introduced into the Bill.

Clause *agreed to.*

MR. ADAM moved a Clause to the effect that where a schoolmaster was absent for more than three weeks continuously, except in vacation time, it might be lawful for the heritors to appoint a substitute to be paid out of the salary and fees received by such schoolmaster—absence from ill-health not coming within the meaning of the clause.

Clause *negatived.*

On the Motion of MR. LESLIE, a Clause was adopted to the effect that on the retirement of a schoolmaster the house and premises of the school should be made over within a certain time to the successor, and where the house and premises formed part of the retiring allowance, the heritors should make reasonable compensation to the ex-schoolmaster.

Clause *agreed to.*

A Clause was added, on the Motion of MR. MURE, providing for the resignation of a schoolmaster declared by the inspectors to be incompetent to discharge his duties from infirmity or old age, also providing for the resignation of a schoolmaster, who from negligence or inattention shall fail efficiently to discharge his duties; and providing for the payment of a retiring allowance when the resignation shall not be caused by any fault of the schoolmaster.

Preamble *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday* next, and to be *printed.* [Bill 243.]

IRREMOVABLE POOR BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 9 the following addition, moved by Sir JOHN PAKINGTON on Tuesday, was again proposed—

> "Provided also, that extra-parochial places which have heretofore paid no contributions to the common fund of the unions in which they are comprised shall, notwithstanding anything herein contained, be hereafter exempt from such contributions."

MR. HENLEY said, it was impossible to discuss this important clause and Amendment at that hour—half-past three; and he, therefore, moved that the Chairman should report Progress.

MR. W. WILLIAMS said, the right hon. Gentleman who proposed the Amendment (Sir John Pakington) was not present to press it, although he expected that it would be settled that day. He begged to remind the Committee that the Amendment received no support on Tuesday.

LORD JOHN MANNERS was surprised to hear it stated that the Amendment of his right hon. Friend (Sir John Pakington) had received no support. The right hon. Gentleman the Member for Carlisle and other Gentlemen certainly stated that they would support his right hon. Friend's proposition as he had altered it.

MR. C. P. VILLIERS said, there was no support given to the original proposal made by the right hon. Member for Droitwich, but he admitted that some support was given to it in its modified form. The right hon. Gentleman the Member for Droitwich had informed him that he could not be present, but that he expected his Amendment would be decided upon that day.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided:*—Ayes 33; Noes 115: Majority 82.

Amendment again proposed,

MR. KNIGHT, amid cries of "Divide," opposed the Amendment.

MR. PEACOCKE moved that the Chairman leave the chair. It was now near four o'clock, and the right hon. Gentleman must see that it was impossible to make any progress with the Bill that day.

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee *divided:*—Ayes 24; Noes 104: Majority 80.

House *resumed.*

Committee report Progress; to sit again on *Tuesday* next, at Twelve of the clock.

PUBLIC WALKS.—QUESTION.

MR. SLANEY said, he wished to ask the First Commissioner of Works, If permission will be given to open the Terrace at the back of Somerset House for respectable persons to walk there, at such hours and under such rules as shall be thought right, according to the recommendation of the Committee on Public Walks in 1833; and if there is any prospect of a Public Walk or open Ground being made in the south-east of London, near Bermondsey, or in Southwark, as suggested by that Committee?

MR. COWPER, in reply, said he was anxious that every public place in London which could afford a pleasant view, or promote or provide for the recreation of the public, should be turned to the best account. Doubtless the terrace in front of Somerset House would afford a pleasant lounge to a great number of persons if it were thrown open to the public; but there were certain objections made to that public use of it in consequence of the nature of the occupation of Somerset House. At the present moment, he had not satisfied his own mind that those objections could be altogether obviated. With regard to the proposal for another park, no doubt any one who saw the great delight that was caused by Battersea Park to thousands of the inhabitants of London would, like the hon. Gentleman, wish for another park at the south-east side of London. But he was unaware of any fund which could be appropriated for that purpose, and, therefore, he could not hold out any distinct prospect of such an excellent arrangement being adopted.

PORTERS' RESTS.—QUESTION.

MR. SLANEY said, he would now beg to ask the Secretary of State for the Home Department, If the Metropolitan

Board of Works or the Vestries of different parishes in the Metropolis, will assist in placing Porters' Rests for poor persons bearing heavy burdens in proper places; or would suggest proper places for those willing to erect Porters' Rests, and seats near, at their own cost?

SIR GEORGE LEWIS: Sir, this is a matter over which the Home Department has no control. Neither have I any reason to believe that the Metropolitan Board of Works have power or means applicable to such a purpose. But I believe the Vestries, if they are so disposed, can erect these rests for porters. In certain cases they have done so; and I have no doubt, if proper representations were made to them, that they would be willing to extend these advantages.

GOVERNMENT SCHOOL AT BERHAMPORE.—QUESTION.

MR. KINNAIRD said, he would beg to ask the Secretary of State for India, Whether any Papers have been sent home relative to an application made by Mr. Martin, Principal of the Government School at Berhampore, to the Lieutenant Governor of Bengal, for permission to open a Bible Class in the School under his charge; and, if so, whether he has any objection to lay them upon the Table of the House? And if they have not been received, whether he will direct their early transmission in order to lay them upon the Table?

SIR CHARLES WOOD replied that some Papers on the subject had been received, but not from the Government of India, and he was not prepared to lay them on the Table. He would, however, write to India on the subject.

BUSINESS OF THE HOUSE.—QUESTION.

COLONEL FRENCH said, he wished to ask the Chairman of the Standing Orders Committee, If, after the experience of the plan for facilitating Public Business in the House of Commons recommended by the Select Committee during this Session, it is his intention to move for a Committee to revise the Standing Orders?

COLONEL WILSON PATTEN said, he was not authorized by the Committee on Standing Orders to make any Motion of the kind. Having consulted Mr. Speaker, the right hon. Baronet the Member for Carlisle (Sir James Graham), who was Chairman of the Committee on Public Business which sat in the early part of the Session, and other hon. Members, he found it to be the impression that the House had not had sufficient experience of the recommendations of that Committee to warrant him in moving for a Committee to revise the Standing Orders. If those recommendations had not been favourable in some of their results, unquestionably they had been so in others. It had been supposed by more than one hon. Member that the plan of putting Supply down for Tuesday evenings would prove abortive; but the experience of Tuesday last afforded ground for supposing that the fact would be otherwise. Under these circumstances, he should not move for a Committee to revise the Standing Orders. Indeed, under any circumstances he should scarcely feel justified in taking such a step, after the appointment of a Committee presided over by so distinguished a Member of the House as the right hon. Baronet the Member for Carlisle.

CHURCH RATES AMENDMENT BILL.

QUESTION.

SIR CHARLES DOUGLAS said, he wished to ask the hon. Member for Preston, What course he intends to pursue respecting his Bill for the Amendment of Church Rates, which stands for the 24th instant; and whether, after the opinions expressed on the withdrawal of a similar Bill on the 10th instant, he will persevere in moving the Second Reading at so late a period of the Session?

MR. SOTHERON ESTCOURT said, he had received a letter from his hon. Friend expressing his surprise and mortification at finding that some of his friends in London had expressed an opinion that, owing to the advanced period of the Session, it was not desirable to proceed with the measure; but that, under the circumstances, he should on Wednesday next move that the Order of the Day for the second reading of the Bill be discharged.

A BENGALLI PLAY.—QUESTION.

SIR JOHN SHELLEY said, he rose to ask the Secretary of State for India, Whether the Government has received any information relative to the circulation by the Government of Bengal, in official envelopes marked "On Her Majesty's Service," of an English translation of a "Bengalli Play," containing attacks on British settlers connected with the manufacture of Indigo in Bengal, on their wives and families?

SIR CHARLES WOOD replied, that if his hon. Friend had any curiosity to read the play, he would send him a copy; but he had received no information whatever that it was of the character which his hon. Friend described.

SUPPLY.

Order for Committee (Supply) read.

THE FRENCH AND BELGIAN TREATY.

QUESTION.

MR. W. E. FORSTER said, he wished to ask the Secretary of State for Foreign Affairs, The cause of the delay of the Belgian Government in applying the new Tariff Arrangements between France and Belgium to this Country? The House was, no doubt, aware that the trade between this country and Belgium had been very much diminished by the peculiar policy of the Government of Belgium. It was not merely a protective policy in favour of their own manufactures, but a policy of preference of almost every other country over this country, and especially a preference of France. He much feared that the disadvantages of this policy would be increased in consequence of the commercial treaty between this country and France, from which, in other respects, we derived considerable advantages. On the conclusion of the commercial treaty between France and this country, negotiated by the hon. Member for Rochdale (Mr. Cobden), France offered almost the same terms to other countries, and amongst others to Belgium. The result was a commercial treaty between France and Belgium, by which French goods would be admitted to Belgium on much more favourable terms than English. That treaty was not extended to England; and the result would be that the differential duty against English goods and in favour of French goods would be very much increased. In worsted and woollen goods, with which he was best acquainted, the present duty on French goods was 22 per cent; after the 1st of October it would be 15 per cent, to be reduced to 10 per cent in 1864. The duty levied on English goods of a similar description was about 35 per cent. So that while the differential duty against us was at present about 50 per cent, it would be increased to 130 per cent in October, and in 1864, if no new arrangement took place meanwhile, to 350 per cent. He believed the same was the case with regard to cotton, and also with linen. The duty on French silk was 4 francs per kilogramme; after the 1st October it would be 3 francs. On English silks the duty was 11 francs 60 centimes; so that the duty on English silks was now about three times as much as on French silks, and would soon be four times as much. He could understand why the Belgians might be afraid of English woollens; but their course with regard to the admission of silks appeared to him to be an especially unfriendly action, giving as it did a large preference to French over English silks. But we laboured under a disadvantage not only in the amount of the duty but in the mode in which it was levied. One of the greatest benefits of the treaty between England and France consisted in the substitution of *ad valorem* for specific duties. If anybody wished for proof of the disadvantageous working of the system of specific duties he would obtain it by observing the working of the importation into Belgium. The hon. Member read a letter from Huddersfield describing the evils attendant on the levying of duties in Belgium. The Belgium tariff in English goods, the writer said, was a very complicated one, and minute specifications were required; the Custom House officer put his own construction on these, and if he considered the specification inaccurate a heavy fine was levied, one-half of which went to the Custom House officers themselves. Not only, then, had the French goods an enormous advantage in point of amount of duty, but after October of this year, they would have the great additional advantage of an *ad valorem* instead of a specific duty. The manufacturers did not contest the right of the Belgian Government to adopt either a protective or a differential duty; but they did not expect that Belgium, towards which this country had always showed such a friendly feeling, and who had received, he might say, so many obligations at our hands, would have placed this country at a disadvantage as compared with others. It was not to France alone, but to other countries, that preference was shown, for Belgium had a general tariff on the admission of the goods of all countries; but there were special exceptions in favour of France, Holland, Luxemburg, and the Zollverein, so that English goods almost alone remained subjected to the general tariff. The reply of the Belgian Government to the remonstrances of our Foreign Office was that they intended to remove this preference, but that they were waiting till the expiration of the special treaty with France. That special treaty expired on the 1st of March last, and, as it was understood that a new and more favourable treaty was in contemplation, the Chamber of Commerce of Bradford memorialized the Foreign Office that it would use its exertions to put our manufacturers on the same footing with France. This was in November; but the Foreign Office did not reply till January. He did not complain of this, as he had no doubt that the noble Lord was otherwise much occupied about that period; but it was matter of regret, for he had no doubt that during those two months the terms of the treaty had been arranged between Belgium and France. On the 11th of January the noble Lord directed Mr. Hammond to assure the Bradford Chamber of Commerce that the Belgian Government had given assurances that they had no intention to make the slightest distinction between the woollen mannufacturers of France and those of Great Britain, and that no concession would be made to the manufacturers of any country which was not also conceded to the manufacturers of Great Britain. Still nothing more was heard of the matter. In May the Treaty with France was completed, and a fresh memorial having been addressed to the Foreign Office, the following answer was received on the 31st of May:—

"Foreign Office, May 31, 1861.

"Sir, in reply to your letter of the 27th instant, I am directed by Lord John Russell to acquaint you that there is no discrepancy between the letter dated the 11th of January last, which you received from Mr. Hammond, and that which I addressed to you on the 22nd instant. Her Majesty's Government had in January last received, and have lately again received, from the Belgian Government, assurances that there was no intention on their part to make any distinction between the import duties on French woollens and those on woollens the produce of Great Britain, and Her Majesty's Government are now in communication with the Belgian Government, with a view to concluding a new treaty of commerce, which shall give effect to those assurances.

"I am, Sir, your most
"Obedient humble servant,
"WODEHOUSE."

Since that time a law had passed the Belgian Chambers sanctioning the treaty with France, but nothing whatever was said about a treaty with England. He wished now to ask the reason for this delay, and he hoped that the reply he should receive would be a satisfactory one. He could hardly sit down without stating that such were and had all along been the relations between this country and Belgium that they had a right to expect the conclusion of a treaty of commerce as favourable as with any country in the world, not even excepting France. It was under the guidance of the noble Lord now at the head of the Government that the Kingdom of Belgium was established; no one knew better than he what a prominent part the British Government had taken in assisting that Government—none knew better the obligations under which this country was placed with regard to it—indeed, the noble Lord occasionally reminded them of some of which they were not before aware—and he would only say that if the Belgian Government wanted to retain the friendly feeling of this country they had better trust to a good commercial intercourse than to any parchment obligations, however strong they might be.

MR. PAGET rose to confirm the statement of his hon. Friend as to the great anxiety with which our merchants and manufacturers regarded the new treaty between Belgium and France. They felt that the French manufacturers were formidable competitors with them in ordinary circumstances, and they looked with regret, and with some degree of indignation, on a treaty which admitted the goods of their competitors at an unfair advantage.

MR. HEYGATE begged to add a few words on behalf of his constituents, who were deeply interested in this matter, and who entirely concurred in the representations of his hon. Friend the Member for Bradford. He would not repeat all that had been urged by his hon. Friend, but the facts of the case were shortly these:—For years past the products of Great Britain had been subject to higher rates of duty on admission into Belgium than similar manufactures imported there from France and other countries. Almost every country except England enjoyed certain exemptions and privileges in Belgian tariffs, whilst England alone came in under the general tariff. Now, there was no possible reason or pretext for any such distinction. Not only were we on terms of the closest amity with Belgium, but if there was any one country more than another from whom we had a right to expect a different treatment it was from Belgium, to whom we had always afforded the advantage of our friendship, and which enjoyed the blessings of a free Government and liberal institutions nearly identical with our own. Unfortunately, however, a liberal commercial policy did not in this case follow, as might have been expected, from those institutions, and so far from being admitted upon terms equal to those of the most favoured nation, our trade was marked out by them for special hostility. And if the trade with Belgium had been hitherto in a languishing state, it followed that when the new Franco-Belgian tariff came into operation on October 1, that trade would be annihilated. The duty on French woollen yarn was now 45*f.* per 100 kilogrammes, and would be then further reduced to 30*f.* to 40*f.*; whilst the duties on corresponding English goods remained at 116*f.* So, too, as regarded woollen manufactures, the present French duty on which was to be reduced from 225*f.* per 100 kilogrammes to a 15 per cent *ad valorem* duty, whilst the duty on English was 381*f.*, equal to 37½ *ad valorem.* England asked no privileges or special advantages, but only the opportunity of free and fair competition. It was true Lord Wodehouse had written, on May 31, that the Belgian Government assured us they had "no intention to make any difference between the import duties on French woollens and those produced in England," but, meantime, nothing was done, and they had reason to ask the cause of this delay. He would add one other reason why the Foreign Secretary should urge this matter forward as rapidly as possible—namely, that owing to the unhappy civil war now raging in America, and the restrictive tariffs adopted by the Northern States, the American trade in the midland districts was nearly annihilated; considerable distress was already the consequence, and that distress would be greatly aggravated unless some modification of the Belgian tariff should be made so soon as the new Franco-Belgian Treaty came into operation. The Chancellor of the Exchequer, too, was deeply interested in the matter, for unless something was done to save this trade he would himself be disappointed in the sanguine Estimates of Customs revenue which he had formed, and which he (Mr. Heygate) earnestly hoped might not be unequal to the results hitherto anticipated.

Mr. NEWDEGATE wished to state that the depression in trade in the district which he represented, especially in Coventry and for eight miles round it, was not in the least degree abated. The manufacturers were in great measure ruined, and the operatives were now, as a last resource, emigrating. Several of them had emigrated lately from the parish adjoining that in which he resided, and from the parish adjoining. This rendered it the more important that their manufactures should have the advantages referred to by the hon. Member for Bradford, to whom he begged to offer his thanks for having called attention to the subject.

Lord JOHN RUSSELL said, he could not altogether wonder at the complaints made with respect to the conduct of the Belgian Government. When early in the year Her Majesty's Government applied to the Belgian Government they were told that they were negotiating a treaty of commerce with France, and that, until the terms of that treaty were arranged, it was not convenient to be negotiating with different Powers on the same subject at the same time. But at the same time they always assured Her Majesty's Government that whatever terms were granted with respect to French manufactures should also be conceded to English manufactures. On that assurance Her Majesty's Government relied—namely, that as soon as terms were arranged with France the Belgium Government would make the same terms with Great Britain. The negotiations between France and Belgium were considerably protracted, and it was not without difficulty that the provisions of the treaty in regard to the questions respecting woollen manufactures and other articles were carried through the Belgian Chambers. When the British Government again expressed their expectation that the same terms would be extended to this country, the Belgian Government answered that it was too late, at the end of the Session, to submit to the Belgian Chambers concessions to this country, and that without a law any concessions made by the Belgian Government would be of no value. According to that statement the Belgian Government had not chosen to introduce any Bill on the subject, and he thought that the British Government had reason to complain of that conduct. For his part he considered such conduct very unfriendly to this country; for he conceived that it might have been possible to protract the sitting of the Chambers for a fortnight or three weeks, and it appeared to him that the concession to this country of similar terms to those granted to France was what the British Government had a right to expect on grounds of general policy, and seemed, after the assurances given, to be only matter of good faith. The British Government had always behaved with the greatest liberality in these subjects. For the last ten years we had effected changes in the tariff without making them matter of bargain, and when we recently concluded a commercial treaty with France we extended the same terms to all the nations of Europe. Consequently, though the Belgian Government had not granted to this country all the advantages it had a right to expect, they enjoyed themselves all the advantages resulting from the changes made in the English tariff. The British Government had again very recently remonstrated with the Belgian Government, and had asked them immediately to conclude a treaty of commerce which would place this country on an equal footing with France, and he did not think that they could fairly take any objection to that course; but he was sorry to say that, as the Belgian Chambers were not sitting, nothing could yet be definitely done on the subject.

DENMARK AND HOLSTEIN.

OBSERVATIONS.

SIR HARRY VERNEY said, he rose to call the attention of the House to the Correspondence on the Affairs of Denmark, Schleswig and Holstein of 1860 and 1861. The hon. Baronet said he thought that England was called upon to interfere in the dispute as a mediating Power, and that we were in a much more advantageous position than France and other Powers for bringing about a peaceful solution. The hon. Baronet, whose statement was very imperfectly heard, referred at some length to the occurrences of 1849 and 1850, and said that the German Bund had undertaken to obtain for the Duchies the rights and privileges for which they had taken up arms, and that in 1852 the King of Denmark had engaged to maintain a separate national existence for Holstein, and equal rights for the Danish and German population of the kingdom. These promises had been openly and systematically broken, and the consequence was that there had been excited in Germany a strong feeling which might induce the German nation generally to take up arms to restore to Schleswig and Holstein those rights which they claimed to be entitled to. The hon. Gentleman then proceeded to read extracts from communications of Mr. Ward, who was now Consul-General at Hamburg, and whom he characterized as a most able and trustworthy public servant; of Mr. Howard, and others, to show that a considerable degree of oppression was exercised by the Danish Government towards the German inhabitants of Schleswig and Holstein. He had himself met with clergymen who had been compelled to leave their congregations because they refused to Danicize the German inhabitants of the Duchies. The German inhabitants of Schleswig were not permitted to approach the throne with a respectful statement of their grievances. It was stated that the Treaty of London was not binding; perhaps the noble Lord, if he made any reply to these observations, would give his opinion on that subject. The Treaty of London, he believed, was abrogated, so far as respected this country and France towards Russia, by the fact that war had intervened. The effect of that treaty was most hostile to Germany. It would bring a Russian prince to the throne of Denmark after the death of the present monarch. That would be very injurious to the small German interests, and he could not conceive that it would be beneficial to us. He was quite aware that the subject he had introduced to the notice of the House was not very interesting to many Members, but he could not help regarding it as one of the utmost importance, and he begged to thank them for the patience with which they had listened to the extracts he had read.

LORD HARRY VANE said, he was glad that, after having kept the question suspended for some time before the House, the hon. Baronet had at length brought it on for discussion. He could not quarrel with the hon. Baronet for the view he took of the question, but he (Lord Harry Vane) thought it would be desirable that the House should not be led away by partial statements. He did not intend to defend the Government of Denmark in the conduct which they had pursued towards Schleswig; but looking at the matter generally, he thought the House would come to a different conclusion from that arrived at by the hon. Baronet. The hon. Baronet seemed to be under the impression that the Treaty of London had been abrogated, and that it was no longer of any force or validity, because of the war which had since taken place between England and Russia. But the hon. Baronet was in error. Russia was only one of the parties to the treaty, and the subsequent war could not cancel it. Besides, there was an ancient treaty, dated in 1720, between France, England, and Germany, which was in force, and which guaranteed Schleswig and Holstein as part of the possessions of the throne of Denmark. Much might be said about the succession to the crown of Denmark. But it was thought at the time when there was a probability that the succession to Schleswig and Holstein might become doubtful, that it would be better it should be settled; and seeing that Denmark was but a small State and held the keys of the Baltic, it was, in his opinion, wisely decided by the great Powers, that the succession to Denmark and the Duchies should descend to the same Monarch rather than that Schleswig and Holstein should be separated from Denmark. The question of Schleswig and the question of Holstein were totally distinct. Holstein had, no doubt, been a part of the German Empire up to the time of its termination in 1806. But since 1815 the Duchy had been in the position it now occupied, and the rights of Denmark over Holstein were very limited. As regarded Schleswig the case was very different, and the difficulties between that Duchy and Denmark had arisen in consequence of a large German population having become inhabitants of the Duchy. There were in the Duchy two parties, which were to a certain extent hostile to each other, and unhappily nothing but time would entirely remedy all the complaints made, and smooth down the feelings which existed among the people. The Danish Government had lately shown a disposition to remedy all complaints which were well founded, and quite ready to do full and equal justice to both nationalities. In his opinion the best course to pursue would be for Denmark to allow the autonomy of Holstein, and for the Government to fix a certain sum as the contribution of the Duchy towards the general expenses of the kingdom. He also thought it right that new laws binding Holstein should be submitted to the Holstein Diet before being put into force. No Danish statesman would consent that Schleswig should be disunited from Denmark—

Notice taken, that Forty Members were not present; House counted, and Forty Members being present

The noble Lord proceeded:—When he was interrupted he was calling the attention of the House to the management of the finances of Denmark and Holstein, and he thought the only true mode would be to stipulate that there should be a vote of a certain sum by the Diet of Holstein for the general expenses of the Government, and that all votes required over and above that should be specially submitted to the Diet of Holstein. No doubt there was a very strong feeling on the question, both in North and South Germany. But the Germans were bound to respect in others the feeling of nationality that animated themselves. They were bound to respect the Scandinavian feeling, that was not confined to Denmark; Sweden had expressed its readiness, under certain circumstances, to come to the aid of Denmark. It was impolitic on the part of Germany to raise a question that might hereafter bring down an intervention with which she would find it difficult to contend. It was most desirable that some definitive measures should be taken to settle this question. He hoped the Foreign Secretary would be able to tell them that a disposition existed on the part of Germany to accept proposals for a settlement, but it could only be effected by Germany respecting the rights of Denmark.

Sir MORTON PETO said, he did not believe there was any part of Germany in which more liberty was enjoyed than in the Duchy of Holstein. All that had been said about the language to be used in schools and churches and the restrictions on private education no longer applied. The state of things that had been complained of had been done away with. He believed the Danish Government felt that it had been wrong to permit such a state of things to exist. Denmark wished to obtain the good offices of England, and was ready to grant the Duchies a liberal Constitution; but the great difficulty in the way of a settlement was the contribution of Holstein. He believed it might be necessary to separate the Customs' duties of Holstein and the Duchy of Schleswig. The people of Denmark were strongly impressed with the necessity of free trade; but in Holstein, as in the greater part of Germany, the feeling was of an opposite kind, and it might be necessary to establish a line of Customs on the Eider. As for personal freedom in the Duchy of Holstein it was complete. Such a thing as a permission to travel or a passport had been unknown for nine or ten years. He earnestly hoped that the good offices of the Government might be successful.

Mr. DUNLOP wished to ask a question

as to the extent to which the Government held this country bound by the treaty of 1852. It was incomprehensible to him how any Government of this country should ever have entered into a treaty, the main effect of which was to open the way for the speedy accession of the Imperial family of Russia to the throne of Denmark. The possession of Denmark by Russia, and the command of the North Sea and the entrance to the Baltic by that Power, would be dangerous to the interests of this country. But under colour of a treaty for preventing a separation between Denmark Proper and the Duchies of Holstien and Schleswig, we had become parties to an arrangement by which nineteen heirs, standing between the present King of Denmark and the Emperor of Russia, were to be cut off from the right of succession, and only four left, with a limitation too, to heirs male exclusively, which made the failure of the intermediate heirs much more likely to happen. As to the Duchies, the succession was limited to males, while by the *Lex Regia*, intoduced into Denmark in the course of last century, the succession to the Kingdom of Denmark was thrown open to females. On the death, therefore, of the present King and his uncle, neither of whom had heirs male, there would have been a separation of the Duchies and the Kingdom. The simple way of preventing this would have been by doing at once what has been done since the treaty—namely, repeating the *Lex Regia* in Denmark. But this would not have suited the views of Russia, and so an agreement was come to between the Emperor and the King of Denmark by which the Prince of Ghuhsburg should be declared heir both of the Duchies and the Kingdom, disinheriting no less than nineteen intermediate heirs, and thereafter he himself was connected only by females, limiting the succession in future to heir male, and rendering much more probable the early extinction of his line, and the opening up of the succession to the Emperor of Russia. The consent of the States of Denmark had, after much resistance, been obtained to this scheme, but hitherto those of the Duchies had steadfastly refused to sanction it. Now the question he wished to put to the noble Lord, the Secretary for Foreign Affairs was this:—Did the Government consider that this country was by the treaty of 1852, bound, under all circumstances, on the death of the King of Denmark and his uncle, to recognize the Prince of Ghuhsburg as Sovereign of Denmark and the Duchies, or was the obligation of the treaty simply this—that if the succession should be lawfully and constitutionally changed by the competent authorities in Denmark and the Duchies, this country would recognize their act to this effect, and not promote the cause of any of the disinherited heirs against the will of the nation? To illustrate what he meant he would suppose that before the death of George IV., he and the other Sovereigns of Europe had entered into a treaty for securing the succession to the throne of Britain as well as to that of Hanover, of the Duke of Cumberland to the exclusion of our present Queen. Such a treaty might be merely an engagement to recognize his succession provided the Legislature of this country should lawfully have adopted it, or it might be a combination to force on the people and Legislature of this country, the heir male in preference to the heir female. Now, he wished to know whether the Government considered this treaty of 1852 to be of the former or the latter character and import? It was a question of the highest moment to the future well-being of this country and to the cause of liberty in Europe, and he trusted that the noble Lord would be able to give a satisfactory answer.

LORD JOHN RUSSELL: The House will perhaps allow me, although I have already addressed it, to answer the appeal that has been made to me by the hon. Member for Buckingham and other hon. Members. In doing so it is not my intention either to enter into the arguments as to the rights of the different parties, or of the Germanic Confederation, or of the King of Denmark, or to point out the terms on which I think the existing differences might be terminated. I will confine myself to stating what I consider to be the present state of the question which the hon. Baronet has brought under our notice. I have myself been very anxious with respect to the question of Federal execution. The House is aware that the Germanic Confederation came to certain resolutions, to the effect that if the King of Denmark would not submit to certain propositions within a given time Federal execution would take place. I have been anxious on that subject, because it is one of such a delicate nature, and the passions of men are so much excited, that I could not but fear that it would endanger the peace in those provinces, and that it might eventually cause disturbance in the interior of the country. However, I am glad to hear that it is likely that the King of Denmark will make propositions, either to the Germanic Confederation, or to Austria and Russia, by which it is hoped that Federal execution may be postponed for the present year, and negotiations may be entered on. Now, what those negotiations or what the terms to be proposed by the King may be, I am not able to say, but I think it is perfectly fair and just, the Germanic Confederation having declared that a certain requirement should be complied with by the King, that His Majesty should, on his side, either announce his intention to comply, or give reasons why those requirements cannot be fairly placed before him as conditions to which he ought to subscribe. I conceive that those negotiations may end in a solution of the whole question. The subject is one on which a good deal of correspondence has taken place between the different Powers of Europe. All I can hope at present is that at least some time may be allowed for negotiations, and that Frederal execution may not immediately take place. Certainly the subject is one on which I think every State in Europe is entitled to take an interest. With regard to the question of my hon. Friend who last spoke (Mr. Dunlop) I shall not undertake to state on a hypothetical case what might be the interpretation of the treaty signed in 1852, in the negotiation of which I had no part, and the terms of which I have not accurately in my mind now; but, as to the general purpose and scope of that treaty, I may observe that it is quite different from what my hon. Friend apprehends it to be. I believe it was supposed that if different titles could be set up to the Danish monarchy on the death of the present Sovereign, in that case Russia might revive her claim as against other claimants, and that, if she did, she would not be likely to fare the worst among the contending parties. Therefore, it was thought desirable by other Powers of Europe—Russia assenting to the arrangement—that the Danish monarchy should pass in a certain direction, in order that the ambitious hopes of the various claimants—Russia included—might be terminated, and that Denmark might be preserved as one kingdom. No one can tell what may be the effect of that treaty at the time of the death of the King of Denmark. It is binding on the Powers that signed it. It is binding in this way: If the Emperor of Russia, on the death of the King of Denmark, should claim to add Holstein to his dominions, all the other Powers would be entitled to allege that Russia had signed a certain treaty by which she was precluded from putting in that claim. I cannot give any further answer. It is a treaty which is not cancelled. It is in vigour and in force, and it is a treaty to which Great Britain is a party. I will not now enter further into the subject, but will only say that it is not desirable to give any Correspondence at the present moment.

THE DANISH CLAIMS.

OBSERVATIONS.

MR. MACAULAY said, he rose to call attention to the several Addresses to the Crown by this House, and the Treasury Minutes issued thereon, empowering the Commissioners for Danish Claims to receive, examine, and judicially determine the claims of certain British subjects for losses arising out of the confiscation by the Danish Government of ships and cargoes in the year 1807; to the fact that after such losses had, in pursuance of Her Majesty's commands, been judicially determined, and the Commissioners' adjudication and Report thereon had been presented to the House, the House of Commons, by its Address, 10th June, 1841, prayed Her Majesty to advance to the claimants the amount of the losses so adjudged, with the assurance that the House would make good the same; to which Address Her Majesty returned a favourable answer; but that, nevertheless, such claims remain unliquidated; and to the Petitions of Thomas Ward and others (presented 26th April, Appendix to Public Petitions, No. 524, also Parliamentary Paper, No. 257, of the present Session), fully setting out the facts, and praying for redress. The persons who urged these Danish claims were the relatives of those whose ships were confiscated on the occasion of the seizure by the English of the Danish fleet at Copenhagen in 1807. The hon. Member said that the subject had been so repeatedly discussed in Parliament, and were so familiar as matters of history that he would not attempt to open the case in any detail. He would only remind the House that an expedition was sent to Copenhagen by the British Government in August, 1807, and possession of the Danish fleet was demanded as a matter of precaution, it being suspected by the British Government, acting upon secret information, that there was an understanding between the Emperors of Russia and of France to take possession of that fleet and use it against this country. The object of the expedition was avowedly kept secret while it was being fitted out, and the Proclamation addressed to the Danes, on its arrival in the Danish waters, was couched in terms, not of hostility, but of friendship; and it was distinctly stated on the part of the English that it was for their own safety that they made the demand. The Danish Government refused the demand made upon them to deliver up their fleet—and, indeed, it was a demand which was scarcely, if at all, to be justified; and on August 16 they did that which was the most ordinary act of retaliation—they ordered an embargo to be laid on British ships and property within their reach. On the other hand, on the 25th of August, by an Admiralty order, an embargo was laid by the British Government upon all the Danish property in the harbours of Great Britain, amounting to 850 ships. Ultimately that embargo was turned into confiscation, and the proceeds of the sales amounted to £1,300,000, which was paid into the Exchequer. Out of these proceedings sprung the claims of those who now prayed the House to consider their case. The case of the claimants was that the proceeds of the confiscated property ought to have been applied, in the first instance, to indemnifying those innocent sufferers, whose losses had been occasioned directly by the acts of the British Government. While the preparations connected with the Danish expedition were proceeding, not only was its destination kept secret, but licences were granted to English ships in the months of July and August to proceed to the Baltic; and which sailed, therefore, without any suspicion that hostilities were about to be commenced, and he believed there was no instance of an insurance being effected upon them. If the English Government thought the English ships in the Baltic were in danger of capture, it was their duty to have left a sufficient convoy to protect them; but, instead of this the whole English fleet left the Baltic, and many English merchant ships were snapped up by the cruisers of the Danish Government. If it was necessary that the Danish fleet should be seized under circumstances so peculiar, and if such reprisals were rendered inevitable on the part of the Danes, it was not right that private persons should be the sufferers, and the State should make good to them the loss brought upon them by a step deemed necessary for the safety of the empire. He was not aware that any legal refinements could be applicable here; but the case should be decided upon the principles of natural justice. This House had intervened time after time in favour of these claims, while the Crown had expressed its willingness that they should be met if the House would furnish the necessary funds. After the return of the English fleet from the Baltic, negotiations were still going on with the Danish envoy, who remained in London till the 16th of November—the bombardment of Copenhagen having taken place on September 7—and up to the middle of November all the acts done were committed without any expression of a determination to proceed to hostilities, unless an arrangement should be come to. It was not till November 4th that the Act for reprisals was issued in this country, and that was considered as the day when the war between England and Denmark commenced. The next step was to appoint a Commission to realize the enormous amount of Danish property on which the embargo had been laid. About this time the Crown Prince of Denmark was addressed by certain Danish merchants who thought their property would be endangered if the Danish Government maintained their embargo on British property. In his answer, dated the 27th November, the Crown Prince stated that the measures of the Government amounted to merely a sequestration of the property, so as not to lead to a condemnation of Danish property by way of retaliation. By this answer the Crown Prince limited the action of the Danish Government to a mere sequestration of the property of English merchants, in order that by so moderating their own measures the English Government might be induced to moderate theirs. He would now call attention to the manner in which those claims had been treated from 1807 up to the present time. In 1808 Lord Sidmouth brought them before the House of Lords in the form of Resolutions—[*Hansard's Debates* (*First Series*), vol. x., p. 645]—in which he called in question the justice of the proceedings—that there was neither right nor honesty in the seizure of this property—still less in the confiscation—unless it were done for the purpose of compensating those of our fellow-subjects who had suffered by the Danish confiscation. For a period of twenty years afterwards the English sufferers were incessant in their applications to the Treasury for compensation. It was the seizure under the embargo of the 16th August which formed the ground of those claims, and the claims put forward for compensation arose in three different ways—First, in respect of book debts due by Danish to English subjects; secondly, in respect to goods on shore belonging to English subjects; and thirdly, in respect to the property of English merchants in the shape of ships and cargo afloat. In 1834 the question was brought before the House of Commons by Mr. John Parker in the shape of a Motion for the appointment of a Committee. Lord Althorp, who was then Chancellor of the Exchequer, expressed himself very strongly against the right and title of those persons being considered by the Crown at all, but the tone of the House on that occasion was evidently in favour of something being done in the matter. Lord Althorp seeing that, induced Mr. Parker to withdraw his Motion, on the promise that the Government would take the matter into their consideration. The Executive took action by the appointment of a Commission. Several Treasury minutes followed, in which the Government expressed a readiness to carry out the wishes of the House, coupled, however, with a determination not to go beyond the limits prescribed by Parliament from time to time. Lord Althorp directed the Commissioners to inquire into the claims arising in regard to book debts and goods on shore, and drew a distinction adverse to the claims of those who had suffered from the seizure of their ships and cargoes afloat. The first Treasury Minute, dated November 4, 1834, authorized the Commissioners to receive, examine, and classify all the claims that might be brought before them, in order that the House of Commons might have the fullest information whenever its attention should again be drawn to the subject. The Commissioners were required also to bear in mind that all the Government undertook to do was to afford the parties the opportunity of establishing the fact of their losses, and that the Lords of the Treasury were not pledged to recommend the grant of compensation to any of them. Upon the issue of that Minute the Commissioners proceeded to adjudicate on the amount of book debts, and goods on shore, and between 1835 and 1837 Votes for compensation to the amount of £280,000 were passed by Parliament. The Commissioners, however, declined to examine beyond those claims for book debts and goods on shore. In 1838 Mr. Cresswell (the present distinguished Judge) brought before the House of Commons the case of the claimants in respect to the ships and the cargoes, and moved an Address to the Crown praying that the Commissioners might examine into their claims. On that occasion the whole merits of the matter were most amply discussed, and after two or three divisions the Motion for the Address was carried, and a favourable answer was received from the Crown, consequently the Government referred the examination of those claims to the Commissioners, and passed a Minute, dated June 22, 1838, desiring the Commissioners to report on the subject, in order that the Report might be laid before the House of Commons. Under this reference the Commissioners did not conceive themselves to be at liberty to proceed to a judicial investigation of the matters, but made a rough estimate of the claims, which was of no use to any one. After this, Mr. Cresswell, in 1839, moved another Address to the Crown praying that the Commissioners might be directed to proceed to a judicial investigation, and after one division the Address was carried; and on the 5th of April a Minute was passed by the Government directing the Commissioners to make an adjudication on each individual claim, but giving notice to the parties that they would not be bound by this adjudication to bring forward any Motion in the House of Commons for a Vote of money. Step by step the Government had, on the part of the Crown, acceded to each thing done by the House of Commons, avowing at the same time that they would go no further if they could help it. On the occasion of the Address for the adjudication of the claims being carried, Mr. Spring Rice, then Chancellor of the Exchequer, stated that he objected to the House requiring a judicial inquiry into the claims unless the House came to some Vote involving the grant of money; and he advised the House not to put the claimants into a fool's paradise by making them suppose that they would be compensated, when all that they would get would be the right to enter into an expensive process, which would end in nothing to them. The language of the then Chancellor of the Exchequer was in strict conformity with that which the Government had used in various Minutes. The adjudication, however, took place, and on the 12th of May, 1840, the Commissioners presented their Report; but the Government took no steps in consequence of it. Thereupon Mr. Cresswell in 1841 moved an Address setting forth that if the Crown advanced to the claimants the amount of their respective claims, as ascertained by the Commissioners, the House would make good the same; and the answer to the Address expressed the readiness of the Crown to give effect to the wishes of the House whenever the means should be provided by Parliament. He asked the House whether that was not an acquiescence, as far as the Government were concerned, in the justice and propriety of fulfilling the prayer of the Address? The subject had since the date of that Address and answer been mooted in the House of Commons three or four times, but he was not responsible for the course which had been taken with respect to it on those occasions. Indeed, he very much doubted whether, the House having once addressed Her Majesty in the language which he had quoted, and having received a reply such as he had read, it was open to them to proceed to move another Address in the same form, and he, for one, should have expected that a Motion rather would have been made to the effect that, owing to the different measures which had been taken by the Crown on the one side, and the claimants in question on the other, the public faith had become effectually pledged to the liquidation of the claims of the latter, not as a mere matter of grace or favour on the part of the Crown, but by reason of the action of those responsible in the conduct of a suit on behalf of the State, as against those individuals by whom the claim on it was made. He did not know of any reason which had ever been urged for the non-fulfilment of these claims, except an argument that was used some years ago by the right hon. Gentleman the present Chief Secretary for Ireland (Mr. Cardwell). That right hon. Gentleman contended that as the seizure of the ships was not illegal, but was a fair act in war, therefore, the petitioners had no claim to compensation. But that was a total misapprehension of the case. The confusion arose in this way. There were two classes of seizures. There was first the ships afloat, and there was next the book debts and the goods ashore. In 1835 the Government agreed to give compensation for this latter class, because they said their seizure was illegal, and contrary to the law of nations; and as their predecessors had omitted to claim compensation from the Danish Government at the proper time they felt bound to make that compensation good. But he must observe that there was no written or public law which drew any distinction between the legality of seizing ships afloat and book debts and goods ashore; and the British Government in 1808, having their attention drawn to the matter, decided that no distinction could be drawn between the two cases. But whethere that were the case or no with the goods ashore, the present petitioners did not rest their claim on the illegality of the seizure, but on its high legality—on the ground that the Danes were justified in the seizure by the extreme step our Government had taken—very possibly for its own salvation; but still, according to the known principles of law, that the Government which gave occasion to the wrong was answerable for the wrong, therefore, the British Government ought to make good their claims. This was the view taken twenty years ago, and less, at least by two Gentlemen who were now high in Her Majesty's Councils, by that severe economist, Joseph Hume, and by Sir Stratford Canning, who was connected with the diplomatic transactions of the period. He did not propose to make any Motion, but he had great hopes that the renewed consideration of this matter by the Government would lead to a solution favourable to that which he believed to be a thoroughly honest and a thoroughly just claim.

THE ATTORNEY GENERAL said, his hon. and learned Friend had brought this subject before the House with great ability and in a very temperate spirit; but he had concluded without making any Motion. Having, therefore, no tangible issue with which to grapple, his observations in reply must necessarily be more general than they might have been had any precise Motion been submitted to the House. The circumstances of the case certainly suggested that it might be desirable to consider how long and to what extent questions of this kind could be seriously entertained. In courts of justice it was found necessary to impose some limitation of time by express enactment. And, although no mere lapse of time could be set up as a bar to any inquiry the House might think fit to enter upon, yet, when a matter so old as this, dating so far back as fifty-seven years ago, and which had slept profoundly for ten years past, was again brought before the House, it was incumbent on those who invited attention to it to show that a clear and decided case of injustice was made out. Now, he contended that the course adopted on this subject by successive Governments had been perfectly fair. Did his hon. and learned Friend venture to say, after the lapse of time that had taken place, and having regard to the facts and legal considerations attaching to them, that this case was so free from doubt and difficulty, and so clearly in favour of those whose claims he advocated, that it ought to be seriously entertained? His hon. and learned Friend had admitted fairly that there was a state of war, and that the Danes had belligerent rights. If so, the case of these claimants was untenable; for one of the most obvious of belligerent rights was the right to seize and confiscate the ships and property of the enemy afloat. His hon. and learned Friend was, therefore, driven to another argument —he would not call it another expedient. His hon. and learned Friend was driven to argue that there was something unjust and not to be defended in the conduct which the Government of that day pursued towards Denmark in commencing the war, and upon that absence of justice, and that alone, he had based his appeal to the House. The circumstances of the capture of the Danish fleet were well known. It was the intention of this country, suddenly and without notice, to seize the fleet of Denmark, so as to make it impossible that that fleet could be made use of by an enemy. It was on that seizure of the fleet that the present case arose, and the argument his hon. and learned Friend relied on was that the proceedings of the British Government were unjust, and, therefore, these British subjects were entitled to compensation out of the public funds. It would be most alarming if the House were to act upon such a view, because it came to this —that a war being undertaken by the competent and responsible authorities of the country, involving, as any war with a naval Power of any strength would do, great injury and ruin to many of the merchants of this country by the confiscation of their property afloat, that House might 50 or 100 years afterwards be called upon to vote money out of the taxes of the country by way of compensation, because the persons whose vessels had been captured and confiscated or those representing them, thought that the British Government had been wrong in commencing the war, or in not submitting to requirements by yielding to which it might have been avoided. That was an entirely novel proposition, and one for which there was no authority whatever. This, however, was the substance of his hon. and learned Friend's argument, and but for some incidental observations which he had made, he should hardly have thought it necessary to trouble the House further upon the subject. His hon. and learned Friend had endeavoured to make out what in courts of law was called an *estoppel*, and had argued that, as the Government had paid claims No. 1 and No. 2, they were bound to pay No. 3, and ought not to be heard in refusal. That argument implied that No. 3 stood upon precisely the same footing as No. 1 and No. 2, which was by no means the case. Claims No. 1 and No. 2 were made in respect of the confiscation by the Danish Government of book debts and goods on shore. This claim, No. 3, however, was made in respect of the confiscation of ships and cargoes afloat. It had not been laid down as a rigid and inflexible rule that book debts and goods on shore were not liable to confiscation; but that description of property, and ships and cargoes afloat, had been treated by writers on international law and belligerent rights in a very different manner. No writer of authority denied the right to confiscate the ships and cargoes of an enemy's subjects afloat; but great doubts had been expressed whether the seizure and confiscation of book debts and goods on shore were, under any circumstances, warranted by the law of nations. Vattel laid it down that a Sovereign declaring war could not retain in his dominions the subjects of the enemy, or their effects; and Mr. Wheaton said that it appeared to be the modern rule of international usage that the property of an enemy found within the territory of a belligerent State, and debts due to his subjects by the Government or by individuals at the commencement of hostilities, were not liable to be seized and confiscated as prize of war. In the two earlier cases, therefore, the Government was justified in contending that the Danish Government had violated the fundamental principles of international law, and a reasonable claim for compensation was made out in turn on the part of the British against the Danish Government, and by British subjects against their own Government. No such argument, however, could be advanced in favour of the third claim, which was now revived. It had been said that the claim might safely be acceded to, because the war in which the petitioners suffered broke out under very singular circumstances, and that a similar case never occurred before, and was never likely to occur again. But the establishment of a precedent involved the acknowledgment of a principle, which might be applied to other cases, even where the circumstances were somewhat different; and if the Government yielded in the present instance they could not, in any future war, consistently refuse to entertain the claims of sufferers who maintained that, as an unjust war was the cause of their losses, they were entitled to compensation. A most mischievous precedent would thus be created, quite at variance with the principles of international law. War, no doubt, was often the cause of heavy losses to individuals for which the State made no reparation, and the source of great gains which the State applied to its own purposes. It could not be maintained as suggested by the Petition before the House, that the State was bound to compensate the losses of its subjects out of the prizes of war. Such a proposition was as novel as it was untenable. Fifty-four years having elapsed since the occurrence of these events, and the parties interested having been engaged for at least forty-four years in agitating their claims, it was not surprising that the subject had been frequently before Parliament. Sometimes, no doubt, Parliament had been disposed to favour the claim; but it was to be observed that, on the admission of the petitioners themselves, the last three applications to the House had been unavailing. Having for ten years been allowed to slumber, the question was now again brought forward; but he believed that hon. Members would prefer to be guided by the more recent decisions of the House, rather than by any which might have been come to at a remote period, under circumstances which were now not very well understood.

MR. LOCKE said, that the arguments of the Attorney General amounted in fact to an attempt to set up the Statute of Limitations on behalf of the Government; but he hid not think that that plea would hold good in such a case in any court of law; and he (Mr. Locke) was not aware of any precedent for saying that the House was prevented from remedying an injustice because it had been committed more than a certain number of years ago. The Attorney General said, there might be an equitable right on the part of persons who had goods on shore; but it seemed extraordinary that for twenty-seven years those claims which were now admitted to be just should have been resisted. It might be the law of nations to make compensation for goods landed on the quays, and not for goods afloat; but it was not common sense, and he did not believe that it was the law of nations, as he presumed that all laws were founded on common sense. The Attorney General wished the House to suppose that all seizures of cargoes in ships afloat were seizures of cargoes on board ships on the high seas; but against his bare assertion was the fact that the Commissioners adjudicated on these claims, and set down the sums of money to which the claimants were entitled opposite their respective names. He believed that the right principle to be recognized in this case was that as the nation had committed a trespass, the nation, like an individual, should be held answerable for all the results of its illegal act. The Attorney General had not said a word in vindication of what he would venture to call this marauding expedition. By the treaties which existed in 1807 between England and Denmark merchants were to have six months' notice of war. No notice was given. A secret expedition was despatched, and those who suffered from that illegal act were clearly entitled to compensation. The English merchants did not ask to be recouped their losses out of the taxes of the country. Independently of ships of war the English Government seized Danish vessels which realized £1,300,000. In 1809 they paid out of it in prize money £348,261. In 1835 claimants classed as A and B were compensated with £286,000, and the Government put into their pockets £665,739. In 1841 the Chancellor of the Exchequer stated that the adjudication ought to be carried out upon just and honourable principles. The House of Commons voted an Address to the Crown upon the subject, and the Queen returned a favourable answer; all that was wanting was a Vote of the House of Commons. A dissolution of Parliament occurred, and if he were told that with the honour of the country pledged to a certain course a new Parliament was free from responsibility, all he could say was that it was a blot upon the Constitution. He thought that the answer of the Attorney General to-night did not at all meet the statement of his hon. and learned Friend the Member for Cambridge, and that no subsequent Government or subsequent House of Commons ought to repudiate the decision which a former Parliament conceived to be honourable and just.

The CHANCELLOR OF THE EXCHEQUER said, that there were one or two points with regard to this subject to which he wished briefly to call the attention of the House. If, as had been stated, his hon. and learned Friend the Attorney General had rested his case simply upon the Statute of Limitation, he did not think that argument would have been a very unsatisfactory ground for resisting the Motion; for it was a very serious matter that claims of this kind should be made without limitation of time and after a long course of years, when the interests had changed hands and it was impossible to trace the proprietary rights. But it was not the Statute of Limitations simply or mainly on which his hon. and learned Friend took his stand—it was the Statute of Limitations *plus* the important fact that upon three occasions consecutively the House had distinctly refused to entertain these claims for compensation. When these claims were first raised, the House, no doubt, received them with considerable favour; but it had taken a less and less favourable view of those claims as the matter had been prolonged, and in the year 1851, when a very formal application was made by the hon. and learned Member for Sheffield (Mr. Roebuck), the number in favour of the claims was 49, and the number against them 126, or nearly three times those who voted in the minority. He thought this was a great fact in the consideration of the case. His hon. and learned Friend (Mr. Locke), said, he could not see the justice of making a distinction between the seizure of goods afloat and the seizure of goods on shore, and thought it better to fall back on common sense, whatever international law might say on the subject. It was true that nothing could be right which was at variance with common sense; but when they came to argue this controverted matter it was so difficult to discover where the common sense lay that every gentleman was firmly convinced that common sense was ranged entirely on the side which he himself espoused. In the difficulty, therefore, of discovering the whereabouts of common sense in these cases, the Attorney General thought it was not an unsafe course to fall back upon what was called the law of nations, which really meant the general practice of the civilized world, and be guided by the concentrated wisdom of those engaged in reducing the practice to rule. There could not be a higher authority than Sir James Macintosh, and what did he say about the distinction between goods afloat and goods on shore? Sir James wrote—

> "I do not say there is a difference in abstract reasoning as applied to either, but that there is a difference according to the established practice of European nations. Maritime plunder is not in its nature as injurious as plunder on land; and in all European states there is a recognized difference between the seizure of property on the water and its seizure on the shore."

The hon. and learned Member for Southwark, however, said the Government had invented this distinction twenty years after the fact. He denied the Government were entitled to the invention. It belonged to the friends of the Danish claims, who put forward first those portions of their case on which they felt themselves strong, and declined to encumber themselves with that portion on which they felt they were weak. Then he understood his hon. and learned Friend to fall back upon the doctrine that the war made by great Britain in this case was to be distinguished from other wars by its injustice. He protested entirely against their occupying that ground, because it seemed to him nothing could be more destructive than to introduce into the practice of the House retrospective discussions as to the propriety of wars long gone by, and to endeavour to classify them as having been more or less unjust, and then to found on these distinctions claims for compensation for individuals who had suffered by them. The allegation was that there was no regular war at the time. It appeared that on the 2nd of September the British Government had laid an embargo on Danish vessels, and the doctrine of Lord Stowel with respect to such an embargo was that if instead of an accommodation following the embargo the differences continued and were inflamed into hostilities, in that case the hostilities had a retrospect effect upon the embargo itself, and the war must be held to have commenced from the date of the embargo. All acts done subsequent to the embargo must be judged by the laws of war, and no claim, therefore, could arise for compensation in respect to any act of the Danish Government which was thus justified by the law of nations. With regard to the answer to the Address in June, 1840, to which reference had been made, he (the Chancellor of the Exchequer) was ready to make this amount of admission, namely, the terms of the answer had something of a peculiar character. He believed the true explanation of the terms used was to be found in the date of the answer. It seemed the answer to the Address was made by a Government which had been greatly distinguished by its energy in the work of legislation, but which was unhappily at the time *in articulo mortis*. In the same month a vote of want of confidence had been carried, and it only held office on the terms of despatching the necessary business in order that an appeal might be made to the country. Under those circumstances it was natural that the Government should decline to bind their successors, but should have left them free to advise the Crown to whatever course they might think fit. It did not lie with the House of Commons alone to award compensation to these parties. By the salutary rule and practice of the Constitution there must be the concurrence of two authorities, the Executive Government and the House of Commons. Governments of whatever politics had denied the justice of these claims. As long as there existed a disposition to entertain them, and authority was divided upon the subject, their agitation in Parliament was quite legitimate ; but for the last fifteen years the House of Commons, though often solemnly challenged, equally with the Executive Government, had repudiated the demand. And, ably as the hon. and learned Gentleman had urged what could be said in favour of his case, he had laid no sufficient grounds to induce the Government to go in the teeth of such a course of precedents and combination of authority. Both on the grounds of prudence and justice he believed it would be wrong to give further encouragement to the discussion of these claims.

MR. MACAULAY said, his argument had been entirely misunderstood by the right hon. Gentleman. He had not founded his arguments upon any contention that the war between England and Denmark was an unjust war; but upon the fact that the English expedition to Copenhagen being undertaken at a time when both Powers were in friendly relations, the expedition was, therefore, an admitted trespass on the part of England. That being so, it legally provoked a reprisal on the part of Denmark; and he had contended that, according to the rules of public law, when a sovereign State did anything which legally invited reprisals by another State, the State to which the subjects upon whom those reprisals were made belonged was bound to indemnify those subjects.

OFFICERS OF THE INDIAN ARMY.

QUESTION.

COLONEL SYKES said, he rose to ask the Secretary of State for India, Whether Officers of the Indian Army who accept the invitation to volunteer for general service, or into the Staff Corps in India, in any way whatever compromise the rights guaranteed to them under the Act 21 & 22 *Vict.*, c. 29, s. 56, of 1858, and the Act 23 & 24 *Vict.*, c. 100, s. 1, of 1860, with respect to pay, pensions, allowances, privileges, promotions, and otherwise; and, whether the reported appointment of Colonel Heyland, C.B., of Her Majesty's 56th Regiment, to command the 1st Bombay Fusiliers, in supercession of the Field Officers of that Regiment, had the sanction of the Secretary of State? The hon. and gallant Member was understood to say that in the Act which transferred the Government of India from the Company to the Crown, certain rights respecting pay, promotion, and allowance were guaranteed to the local European army, and that the discontent and mutiny of the European regiments were owing to faith not having been kept with them. Subsequently, faith had been broken in the case of the degradation of the three distinguished regiments of Bombay Regular Native Cavalry by their conversion into Irregulars. Nothing could be more explicit than the guarantees in the clauses of the Acts of 1858-60, which insured to officers, all allowances they then held, also prospects of command ; successors to regimental staff situations, troop, and company allowances, and other regimental allowances. Nevertheless, the conversion of these regular regiments, with twenty-three officers, into irregulars, with only four or five officers each, deprived the captains and senior subalterns of the command of their troops and troop allowances, and the officers generally of successors to office on the regimental staff, and to ultimate command of their regiments. The proposed conversion of the regular infantry into irregulars would have similarly injurious results. Moreover, the Military Commission, sitting in Calcutta have reported, that of the 5,000 European officers of the local army 1,445 officers chiefly of the senior ranks will be thrown out of employment by the amalgamation, abrogating the privileges and allowances guaranteed to them by the Acts of Parliament. Equally it would be a breach of faith to appoint officers from the Line to command the European regiments which have accepted bounty for general service, in supersession of the claims of the field officers of those troops to succeed to the command of their respective regiments. The above cases and others of a similar character have raised great distrust in the minds of the local officers, and with the exception of those officers who have volunteered with the European Artillery and Infantry, nine-tenths of the officers were deterred from volunteering either for general service or the Staff corps. He (Colonel Sykes), therefore, hoped his right hon. Friend would be able to state that, in case the officers volunteered, they would not compromise their guaranteed privileges.

Sir CHARLES WOOD said, that he should have no difficulty whatever in showing the House that the rights and privileges of Her Majesty's forces in India had been substantially maintained, it was proved by every communication which had been received from India. There was not the slightest reason for saying that the General Order had not given satisfaction; and so far as the returns had been received, the volunteering had exceeded all expectations, however sanguine they might have been. No returns had been received from Bombay and Madras; but those from the Bengal army showed that the troops had almost volunteered in a body. Of 8,000 men, upwards of 7,000 volunteered for general service; and about 300 declared for local service; and, of the remainder, most of those who claimed their discharge had afterwards applied to be enrolled. The whole of the officers who had volunteered certainly had not been called at once into general service, for the best of reasons — there was no possible mode of employing the whole of the officers of the Indian army in it; most of them would be employed in local duty. Of the Artillery of the Bengal army, 172 officers had volunteered for general service, 8 for local service, and 1 for the Staff Corps. Of the Cavalry, 62 officers had volunteered for general, and 17 for local service; of the Engineers, 1 officer had volunteered for local service; the others had not yet declared themselves. Of the infantry, 92 officers had volunteered for general, 102 for local service, and 47 for the Staff Corps. This showed the opinion of the officers of the Bengal army, and was the best possible proof that the question might be most satisfactorily answered. If these officers had thus volunteered for general service in the Staff Corps, it proved that they did not consider they compromised any rights by so doing. It was a perfectly voluntary transaction on their parts. They had a free choice, and they declared either for general service or the Staff Corps, according as they thought it most to their advantage. In conclusion, he must say it would be a great injustice to His Royal Highness the Commander-in-Chief not to state that he had, on every occasion, shown the most anxious desire to promote the wishes of the Indian officers.

Motion *agreed to.*

SUPPLY.

Supply *considered* in Committee.

House *resumed;* Committee report Progress, to sit again on *Monday* next.

UNIVERSITY ELECTIONS BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

The CHANCELLOR of the EXCHEQUER: I feel it my duty, Sir, to state to the House my objections to the Bill in its present form. It was my intention, when my hon. Friend first introduced it, to take no part in the discussion on the Bill, because I felt that the seat which I hold, and which has often been the subject of contest, would naturally cause any part which I might take, no matter what it might be, to be open to misconstruction. I also felt that the Bill of my hon. Friend was one of which much might be said in its favour, while much might be said against it; it undoubtedly involved a very great novelty in principle—and on the whole, I think that the balance was against it. At the same time I admit that there was a strong *primâ facie* presumption in favour of a Bill the object of which was stated to be to increase the facilities possessed by certain peculiar constituencies for exercising the franchises with which they had been intrusted. I did not approve the principle of the Bill which my hon. Friend introduced, but I think he is entitled to say that the House acceded to it on the second reading without the expression of any marked difference of opinion. It is not my intention to make any Motion on the present occasion, though I feel it is my duty to say "No" to the third reading, because I think the better course to take—if the House be so inclined—is to move the recommittal of the Bill. ["No, no!"] I have merely stated that, in my opinion, that would be the right course, and Gentlemen who say "No" simply assert that in my opinion that is not the right course. Being an authority on that point, I must say "Yes." I think the proper mode of proceeding would be to recommit the Bill, with a view of raising the question as between the principle of the Bill as now before us; and the principle of the Bill as introduced by my hon. Friend, and assented to by the House. I want hon. Gentlemen to understand what I really mean when I describe the principle of the Bill at the present moment as being different from what it was when the Bill was introduced by my hon. Friend. I may be wrong; but I do not believe that many hon. Gentlemen in this House are aware of the extent to which the Bill has been altered, and how deep these alterations have cut into its very essence. As I understand, the principle of the measure was this:—My hon. Friend said, "Parliament has chosen to create constituencies, of which a large number are non-resident; and, that being so, it is fit to give those non-residents facilities for tendering their votes without their personal presence, which facilities would not be necessary in the case of constituencies in which the bulk of the electors are resident. I will introduce a Bill to enable them to give their votes by voting papers." I must say that I think the Bill of my hon. Friend was prudently and well drawn for the purpose of effecting the object which he had in view. My hon. Friend did not leave it to chance in what way the votes were to be given or transmitted, he provided that the votes should be given in the form of a written declaration made before a justice of the peace, who was obliged to declare that the voter was personally known to him, and that the vote so given should be transmitted to the returning officer through the medium of a registered letter, the effect of which was to make the Postmaster General, a public officer, responsible for the delivery of the voting paper to the returning officer. Now, how did the Committee deal with this Bill? It is no longer a Bill to enable non-residents to vote by means of voting papers instead of by personal attendance. That is supposed to be its object; but it is certainly not the essence of the present Bill; and I must say that I have heard no attempt to justify the Bill as it now stands with reference to the peculiar constitution and needs of the University. The Bill is one to authorize all electors, resident or non-resident, to adopt proxies which are to give an authority to the holders either to vote or not, as they may think proper. That proposition certainly is of a most extraordinary character, and as strange and startling an innovation on our electoral law as has ever come before us. I am aware—and I admit it at once—that the change was made by a Select Committee entitled to great authority in this House, and I trust the House will not think their time wasted in the discussion of a measure of this kind, in respect to which, though it is primarily applicable only to a University constituency, the day may come when the precedent established by the Bill may be taken by those who wish to adopt it as applicable to other constituencies in the country. I believe the object of the Select Committee was to make a provision against errors in the form of the voting papers, and they, likewise, wished to make some further provision for the purpose of ascertaining the identity of the person, and the genuineness of the vote. Now, in my opinion, as regards the first of these objects, the Bill is totally ineffective; and as regards the second, it is entirely unnecessary. There is no reason why we should not have been satisfied as respects the identity of the voter with the proposal of my hon. Friend; and with respect to the prevention of errors, the mere fact of the transmission and re-transmission of the voting paper not only greatly increases the risks of error but of fraud. There is no security for the delivering of the voting papers, they may be lost or duplicated, and how could the voter who was called on to sign a new paper declare conscientiously that he was not called upon to sign it because it was cancelled? It appears to me that very great difficulties, indeed, will arise from the transmission and re-transmission of these voting papers between the proxies and principals, notwithstanding that the object of the Committee may have been to give increased security and correctness in the voting papers. The paper may be lost, and the voter will not know how the fact is. [Mr. HUNT: Oh!] I do not know why the hon. Member for Northampton should take this extraordinary course.

Mr. HUNT rose, but the Chancellor of the Exchequer declined to give way. In resuming his seat, the hon. Gentleman said, I only rose to say that I meant no discourtesy.

The CHANCELLOR of the EXCHEQUER: I am much obliged to the hon. Gentleman. Now, just let us see how this extraordinary system—as I must call it—of voting by proxy is likely to work. And, first, I must consider the case of possible fraud, for the Bill takes in that view by providing penalties against it. However unlikely—I may say impossible—the case of fraud may be in a University election, yet we must include it. If we sanction these principles in University elections in consequence of what we may think of the high character and intelligence of the constituency, it will not be easy to deny to others what we give to Universities, even though we may think them of low character and intelligence. Now, let us consider the provisions of the Bill. In the first place, there is no limit to the number of proxies one person may hold. Any number of voters, without any limit what ever of a numerical description, may empower any voter to become their proxy. The only limit is that the proxy shall be able to say, on presenting the vote, that the voter is personally known to him—that he is personally acquainted with the voter. Now, take the case of the Master of Trinity College, Cambridge. The Master of Trinity is brought into acquaintance every year with, perhaps, 150 young men, a large proportion of whom become part of the constituency of that University; so that the gentleman holding that office would be able to say that he was aquainted with, perhaps, not less than 1,000 of the constituency. He would, therefore, in all probability, become the holder by proxy of many hundred votes. What is the next provision? It is that any number of voters may delegate their power of voting to any single proxy; that every voter may choose any number of proxies he pleases, and may indicate in the voting paper any number of names, by any one of which persons his vote may be tendered at the poll. I believe an unlimited number of proxies may be named by any one voter, just as any number of voting papers may be held by any one proxy. That is not all. Besides this provision, every voter who has thus given a proxy may run a race against his own proxy, and it may depend upon the accident of who gets first to the poll who shall give the vote. That appears to me to be an extraordinary provision, for which I have not heard the shadow of a reason assigned. But further than that—under the singular provisions of the Bill, the voter and the proxy may both come to the poll at once, and may both, at different polling places, tender the same vote without the possibility of any objection; and, to complete the ridiculous effect of the provision as it stands, this may happen:—A B, the voter, may go, and may in one polling place honestly tender his vote for C, while D E, the proxy, may, at another polling place, honestly tender the vote of A B for F. ["No, no!"] It must be remembered that, of late, power has been given to the Vice-Chancellor to increase the number of polling places. [Mr. Dodson: Not exceeding three.] Clause 2 says that the vote may be given by proxy at any one of these polling places, and the voter may also vote at any of the polling places. I think I have shown the climax of the errors and inconveniences which have been forced upon my hon. Friend. I have stated the effect of the provision, which would be to give occasion to an immense amount of error and inconvenience for no purpose whatever connected with the object of the Bill; and, if we are to suppose the existence of fraud, to open the door to the perpetration of frauds innumerable. Let the House remember that there is already one vicious element in a University constituency with which all those who have been connected with University elections cannot fail to be practically acquainted. It may not hitherto have told so much in Parliamentary as in other elections, but under this Bill I think it would be found more conspicuous in Parliamentary elections. I refer to the disposition towards College combinations, and the working out, through those combinations, of selfish wishes and limited views, instead of adopting the broader views connected with the whole University. College oganization is in fatal conformity with the other injurious provisions of the Bill as it now stands, because, of course, the authorities of a College would be able to say that they were personally acquainted with all who had passed through the college, although their acquaintance may have diminished to the lowest degree, and a number of proxies may be accumulated in the hands of these authorities which may be intrigued with, or used as a means of obtaining an illegitimate influence over a candidate, to obtain pledges from him, and to destroy the pure and honest freedom of all parties at such elections. These are consequences for which I am determined to be in no degree responsible. I was not favourable to the original principle of the Bill, because, although the present mode of Univerity elections has its inconveniences, still I think it has the effect of keeping up the academical constituencies in contact with academical influences; but under the system proposed by my hon. Friend, we should cease to see this accademical influence operate as before. However, I do not now raise the point for contest. I challenge my hon. Friend to state why he has acceded to this extraordinary scheme, which is quite apart from the principle of his Bill—introducing between the voter and the recording of his vote a third and independent party, who may actually frustrate the intentions of the voter, subject to the almost ridiculous remedy that the voter may compete with his proxy who shall be soonest at the poll. I shall not detain the House longer, and thank it for its patient attention to a statement of details. As far as my own academical interests are concerned as a Member of this House, I do not know that it should at any time have any material interest in the provisions of this Bill. At all contested elections in which I have taken part in the University of Oxford, I have always been returned by a majority both of the resident and of the non-resident voters, conjointly and separately. I have no idea what the operation of these provisions would be as regards myself at future elections, but they are so extraordinary in their character, and so needless for the professed object my hon. Friend has in view, that I trust they will not receive the sanction of the House.

MR. DODSON said, he could not congratulate the right hon. Gentleman upon the accuracy of his reading of either the original or the amended Bill. The right hon. Gentleman spoke in high-sounding words and grandiloquent phrases of the strange and startling innovation introduced by this Bill. But the provision he especially objected to was discussed in Committee for three hours last week, and the most strange and startling thing connected with that discussion was the absence of the right hon. Gentleman. If the right hon. Gentleman felt so strongly on the subject, how was it that he was not present to express his opinion and divide the Committee? Not only was there a discussion of three hours, but there was a division in which the right hon. Gentleman took no part; but within half an hour afterwards there was another division upon an Amendment proposed by the hon. Member for Youghal, and upon that the Chancellor of the Exchequer voted. It would be an interesting fact to learn how far off was the right hon. Gentleman when the first division took place. When it was wanted to get rid of anything, people had only to give it a bad name, and so the right hon. Gentleman grounded his attack on this Bill by calling it the introduction of the proxy system. But he (Mr. Dodson) denied that the system of voting papers was the system of voting by proxy. The legal definition of a proxy was "one person appointed by another to represent him." That is not the description of a man who hands in a letter. The form of voting given in the schedule was as follows:—"I, A B, do hereby declare that I have signed no other voting paper at this election, and do hereby give my vote at this election for" so and so. The Cambridge University Reform Bill, on the other hand, allowed any member of the Senate to vote at the election for Chancellor or High Steward of the Unievrsity by proxy. The schedule in that Act gave the form of a real proxy, which was as follows:—"I, A B, a Member of the Senate, do hereby appoint C D to vote in my name for Chancellor (or High Steward) in such manner as the said C D may think proper." The right hon. Gentleman declared that the bearer of the voting paper under this Act was a proxy, pointing out that the Act imposed no pecuniary penalty if he failed to deliver it. But if an elector had the privilege given him of voting without attending in person, it was not too much to require him to find a man on whom he could rely to deliver his voting paper. The right hon. Gentleman thought it strange and startling that the arrival of the vote at the poll should depend on the will of another. But this was very much the condition of things at present. If a voter, living ten or twenty miles from the polling place, depended upon a friend to call for him with his carriage, or to lend him a horse, or a pair of boots, and if that friend changed his mind and did not come, he must be, according to the right hon. Gentleman, the proxy; for it depended upon him whether the voter reached the poll or not. The right hon. Gentleman's next objection was the concentration of votes in a few hands at the University. He thought that this apprehension was exaggerated. The resident members of the University were continually changing. He took his M.A. degree ten years ago, and there was now only one single resident at Oxford who knew him sufficiently well to make the declaration that he was personally acquainted with him, and as this gentleman was opposed to him in politics he was not likely to send his voting paper to him. For himself, therefore, he should not send his voting paper to the head of a College, but should select some neighbour of his own who might be going to Oxford to take charge of his vote. The right hon. Gentleman had spoken of College combinations as likely to take place under this Bill. But were such things never heard of now? As to concentration of votes in a few hands, why, under the present system promises were asked for and obtained for particular persons even before they had declared themselves candidates. He held in his hand a circular issued yesterday from the University of Oxford. It was dated "Balliol College," and set forth that it was generally understood to be the intention of Mr. Gladstone to retire from the University of Oxford as soon as the Bill giving an additional seat to South Lancashire was passed. This vacancy would give members of Convocation (it continued) an opportunity of vindicating the character of the University. Sir Stafford Northcote and Mr. Roundell Palmer were likely, it was added, to be put into nomination, and, as it was desirable to secure Sir Stafford Northcote's return, voters were requested to announce their determination to vote for that Gentleman. Then followed the names of four leading gentlemen who were willing to receive promises for Sir Stafford Northcote. Now, a thousand written promises might be concentrated in the hands of one gentleman, who would thus exercise quite as much influence on an election as if he had received a few voting papers; but with this difference, that many of the promises for Sir Stafford Northcote would be coupled with the condition—"I will come and vote if you will pay my expenses." The voting papers would get rid of the travelling expenses, which, as they all knew, operated as an inducement for electors to give their votes for particular candidates. The right hon. Gentleman had also urged the number of transmissions and retransmissions of the voting paper which might take place between the elector and the bearer. The House were not bound, he thought, to inquire into this point. It was for the deliberation of the voter how his vote was to be conveyed to the poll, and if the voter complied with the provisions of the Bill he did not see that it was a matter of more concern which of the voter's friends was selected to convey the vote for him than which train he travelled by if he attended in person. Then, again, the time within which the papers were to be signed was strictly limited. The vote was not to be signed until after the returning officer had given the three clear days' notice of the day for proceeding to the election, and until that notice was given the voter could not go before the justice. Another objection urged by the right hon. Gentleman to the Bill was that the voting paper might go up to one polling place and the voter himself to another to deliver his oral vote. [The CHANCELLOR of the EXCHEQUER: At the same time.] But Clause 2 provided that the voting paper was to be delivered at "one of the appointed polling places." Now, by the 16 & 17 *Vict.*, the Vice Chancellor might appoint any number of polling places, not exceeding four in all, and declare what Colleges were to poll at those polling places. He apprehended that if the voting paper of a Christ Church man were presented at the polling place for Lincoln, the bearer would be told that was not the appointed polling place. [The CHANCELLOR of the EXCHEQUER: That is not stated in the Bill.] No, but the Bill provided that the votes were to be received by the Vice Chancellor or his deputy, "in the manner heretofore used, in all respects as if such votes had been given by the electors attending in person." Now, would it be recording a vote "in the manner heretofore used" if it were received at the polling place not appointed for receiving the votes of a particular College? The right hon. Gentleman's objection in regard to possible frauds went off altogether, for the right hon. Gentleman did not allege any danger of fraud under this Bill, but only apprehended it might be a precedent for the introduction of voting papers for other constituencies where they might lead to fraud. But the House were dealing in the present Bill solely with the University constituencies, and it would be quite sufficient if they took precautions against fraud in the case before them. The adoption of voting papers in University elections would form no precedent for their adoption in other cases, because the University electors, being chiefly non-resident, and voting in virtue of an educational franchise, presented no possible analogy with other constituencies. The right hon. Gentleman had also spoken of the measure destroying corporate or academical action; but how could he reconcile that objection with the approval he had given to the Bill as it originally stood? That supposed academical influence of University electors over each other was a pure figment of the right hon. Gentleman's own brain. Was it to be imagined that men would spend their time and money in going up to the University in order to deliberate with other people as to how they should vote? Men who were so politically undecided or indifferent as that would surely stay at home. The right hon. Gentleman talked of pledges being extorted by the heads of Houses. [The Chancellor of the Exchequer made an observation.] He believed he had rightly understood the right hon. Gentleman's words, and the right hon. Gentleman's constituents would hardly feel flattered when they read his remarks in *The Times* to-morrow. For his own part, he had that confidence in the character of the University electors that he did not believe either that they would seek unfairly to extract pledges from their brother electors, or that their brother electors were in such a defenceless position as to submit to such a proceeding. He had now dealt with all the right hon. Gentleman's objections. That was a Bill simply intended to enable persons recognized as having a right to vote to exercise the privilege with that reasonable facility which they were at present denied. He believed it would have the effect not only of increasing the number of electors who polled at the University elections, but that before long it would very much enlarge and improve these constituencies, because when they found that they could easily exercise their franchise by means of voting papers many men who now took their names off the books would allow their names to remain there. It was rather ungracious that the right hon. Gentleman should object to a measure tending in fact to the enfranchisement of his own constituents. The vote of the right hon. Gentlemen's colleague, the Home Secretary, might at all events be claimed in favour of the Bill, on the ground of what he stated the other night in reference to the Scotch Universities. The Home Secretary had said that until lately it would have been a great objection to enfranchising the Scotch Universities, that their constituencies, unlike those of Oxford and Cambridge, would consist only of a small body of professors and a very limited number of graduates. By this measure that large body of non-resident graduates in whom the right hon. Baronet took such interest would be enabled to exercise the same influence as was now almost exclusively enjoyed by about 10 per cent of the entire constituency. He, therefore, trusted that the House would now read the Bill the third time.

The CHANCELLOR of the EXCHEQUER said, he had confounded the first with the second printed edition of the Bill. He had, in consequence, described the first version as containing good securities which he was now bound to confess he did not think it provided.

Mr. HUNT rose to address the House; but the repeated cries for a division rendered his observations almost undistinguishable. He was understood to say that he had no wish to speak in opposition to the desire of the House, but having taken a great interest in the measure, and introduced some Amendments into it in Committee, he trusted the House would indulge him for a few moments whilst he replied to some of the objections urged by the Chancellor of the Exchequer. In the first place, he was anxious to set himself right with the right hon. Gentleman and the House in reference to the interruption which he had noticed. He (Mr. Hunt) stated at the time that he intended no discourtesy to the right hon. Gentleman. On the contrary, he could assure him that he valued too highly any criticisms he made to think of interrupting him, if he had not felt that the right hon. Gentleman was misrepresenting the provisions of the Bill. The Chancellor of the Exchequer said if the voting paper was lost, the voter might sign another paper. Now, according to the provisions of the Bill, whether the voting paper was lost or not, it was impossible for him to give a second paper. The only way left to him to correct the matter would be to come up and give his vote in person. There was an objection to the papers being sent direct to the returning officer, on which the right hon. Gentleman had not touched —and that was that votes so sent, and of which no public notice was taken at the hustings, was neither more nor less than the ballot. Besides, it did not provide any security against forgery, which, though not likely to happen, was still a contingency to be guarded against.

VISCOUNT PALMERSTON said, he would not detain the House by any argument, as his right hon. Friend seemed to him to have exhausted all that could be said on the subject. But he was unwilling that the House should go to a vote on the third reading without his explaining that he concurred in the objections taken to the measure by his right hon. Friend. He thought its principle entirely new, and liable to great abuse; and if the House should agree to it, and it should be carried into practice, he believed they would soon see reason to repent of their decision.

MR. CONINGHAM expressed extreme objections to the principle of the Bill, but the cries of the House for a division were so loud and persistent that his observations were totally inaudible. The hon. Member concluded by moving, as an Amendment, that the Bill be re-committed.

Amendment proposed, to leave out from the word "be" to the end of the Question, in order to add the word "re-committed,"—instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 165; Noes 80: Majority 85.

Main Question put, and *agreed to*.

Bill read 3°, and *passed*.

PARLIAMENTARY ELECTORS (IRELAND).—LEAVE.

SIR WILLIAM SOMERVILLE moved for leave to introduce a Bill to prevent the disfranchisement of Parliamentary electors in Ireland by reason of their letting out portions of their holdings in the ordinary course of the occupation of the same.

MR. VANCE and COLONEL DICKSON opposed the introduction of the Bill at the present late period of the Session, when many Irish Members were absent.

Motion made, and Question put,

"That leave be given to bring in a Bill to prevent the Disfranchisement of Parliamentary Electors in Ireland by reason of their letting out portions of their holdings in the ordinary course of the occupation of the same."

The House *divided*:—Ayes 20; Noes 22: Majority 2.

Motion *negatived*.

House adjourned at half after One o'clock till Monday next.

Mr. Hunt

HOUSE OF LORDS,

Monday, July 15, 1861.

MINUTES.] PUBLIC BILLS. — 1 White Herring Fishery (Scotland); Vaccination; County Voters (Scotland); University Elections.
3ª Poor Assessments (Scotland).

JUDICIAL ADMINISTRATION (INDIA).

PETITION.

THE EARL OF ELLENBOROUGH *presented* a Petition from members of the Anglo-India Protective Association, and others, resident in the North Western Provinces of India, the Punjab, Scinde, Rajpootana, and Central India, praying for Amendment of the East India (High Court of Judicature) Bill. The noble Earl said that the object the petitioners sought to secure was, in short, that in all criminal cases Europeans should be tried only by European Judges; and he begged to add his opinion that, in order to secure substantial justice, it would be better that their prayer should be acceded to. The late Duke of Wellington was in favour of such an arrangement, not that he apprehended that Europeans were more likely to be convicted before Native Judges; quite the contrary—he thought that they were more likely to be acquitted, for he thought that a Native would never have the courage to sentence an European to death. That might be the case formerly, but he was much inclined to think that since the mutiny, whether from a feeling of malice, or from some other reason operating upon the mind of a Native Judge, Europeans were not likely to receive a fair trial at his hands. But he was not equally favourable to their next demand—the Europeans should be tried before a single European Judge. He thought it highly desirable that in criminal cases there should be always two Judges, and that if legal gentlemen were to be sent out from this country to India as Judges, each of them should have sitting beside him an educated civil servant who understood the people, who was acquainted with their language, and who knew the law; for he was disposed to think that in most cases the English Judge would not know any one of the three. The petitioners further prayed that in all criminal cases, if the accused desired it, there should be a jury composed altogether of Europeans. He (the Earl of Ellenborough) thought there would be a practical difficulty in effecting this arrangement, for there were very few places indeed in India where it would be possible to obtain a jury composed altogether of Europeans. At any rate they should have the right to be tried by as many of their own countrymen as could be procured. It was, however, his opinion, that if there were good Judges appointed, the parties concerned would be more likely to secure evenhanded justice at their hands than by the intervention of a jury. Further, the petitioners prayed that in all cases those legal proceedings should be conducted in the English language. There was an axiom in this country which it would be desirable to have affirmed in India—namely, that both sides should be heard before a decision was pronounced. It was, therefore, desirable, before they determined that in all criminal cases of this kind the English language should be used, to ascertain how far the Natives, those for whom these establishments were principally created, were likely to assent to such an arrangement—how far they would be satisfied that the proceedings should be carried on in a language of which they did not understand one word. He could not see how the administration of justice could be respected if it were not made intelligible. The noble Earl then presented a second Petition from the Central Committee of the Anglo-Indian Protection Society. Those Gentlemen, in the first instance, objected to an arrangement made by the Secretary of State for India with the Mysore Princes, by which they had given to them a quantity of stock in lieu of annuities secured to them by treaties, alleging that by such an arrangement the Secretary of State overruled the decision come to by the Governor General and the late Mr. Wilson, and that they (the petitioners) had not been furnished with the necessary information on the subject. What had surprised him in this transaction was that the Princes should have been induced to enter into an arrangement that was so extremely prejudicial to themselves. He could only account for it from the supposition that the Mysore Princes were under the impression, as he himself was, that the transaction was not a valid one—that they had no power to bind their successors, that they themselves might take the stock, but that their successors would be entitled to the annuity. The petitioners also objected to the many charges thrown upon India without due investigation, or without any power on the part of the people of India to make representations on the subject, especially as regarded certain military charges, to which they might think India should not be made liable. He did not possess the knowledge requisite to enable him to enter into this question; but he must say it was the most solemn duty of the Secretary of State for India and his Council to see carried out in their strictest terms the provisions of the Act of Parliament, and that no charge should be placed on the Indian revenues which ought to be placed on those of England. The petitioners stated it was but absolute justice they desired when they asked that India should be placed in the position of a colony; that no charge should be thrown upon it without its consent; they also prayed that the Members of the Council of India should be permitted to sit in Parliament; that there should be a portion of the Indian Council consist of unofficial members. In short, as it appeared to him, it was insisted that in all financial matters the *quasi* independence of India should be established.

TREASURE TROVE.

MOTION FOR PAPERS.

LORD TALBOT DE MALAHIDE rose, according to notice, to call their Lordships' attention to the present state of the law of Treasure Trove. The noble Lord said, that in Roman times there was a conflict between the right of the finder derived from the maxim of *quod sit nullius fit occupantes* and that of the owner of the land in which they are found, under what was designated the *jus accessiones.* A decree of the Emperor Hadrian divided the value between the finder and the owner of the land. In feudal times a new principle was introduced *quod sit nullius fit domini Regis.* This law was generally introduced into Scotland, and under it any moveable article, the original owner of which cannot be discovered, belongs to the Crown. In England, on the contrary, and Ireland, the Crown only claims gold and silver, coin, or bullion. In this country. indeed, the right of the Crown had been subjected to many restrictions. Nevertheless, such property did not belong to the finder, but was claimed by various persons to whom the right had been granted by the Crown; and the consequence was that any articles of value discovered were immediately concealed and destroyed for merely their intrinsic value, and articles of great interest in an historical and antiquarian view were irretrievably lost. Of late years a more enlightened view prevailed, and Denmark had the merit of having set the example of attempting to preserve all such interesting relics. There every person was compelled by very stringent laws to give up all treasure trove, but, at the same time, provision was made that a liberal compensation should be made to those who gave them up to the authorities. The law of treasure trove in England, Ireland, and Scotland, equally tended to the concealment of such discoveries, and many articles of the greatest value had found their way to the melting-pot. It was, however, of great importance to preserve ancient articles of gold and silver which were constantly turning up, because they threw great light upon the arts, the manufactures, and the civilization of past ages. Some years ago several most valuable silver ornaments were found at Largo, in Scotland, upon the property of Mr. Dundas of Arnistoun, and were preserved; but there was no doubt that, owing to the defective state of the law, numerous other articles which were found at the same time found their way to the melting-pot. At Corbridge, in Northumberland, there was found a large silver plate, which was now exhibited in the museum at Alnwick. In Ireland there had been a great many finds both of coins and of ornaments and other articles formed of the precious metals; and much of the treasure so discovered had been melted down. A collection of such articles was at one time formed by Colonel William Barton Cunningham, but that collection had disappeared. About fifty years ago a poor man disposed of a collection of bracelets to a silversmith in Skinner's Row, Dublin, and, although great exertions were made to obtain them for preservation, they proved entirely futile. The evils of the existing state of things were not confined to Great Britain; they had also been experienced abroad, and in some countries measures had been adopted to remove them. In Denmark a short time since notice was given by the Government that fair compensation would be paid for treasure trove, and that penalties would be rigidly enforced against those who did not surrender it to the Crown; and the adoption of this course had led to the preservation of many interesting and valuable relics. I understand that already the question has been settled in Scotland. The King and Queen's Remembrancer for that country having issued a notice that he would give full value for any ancient article found in that country. During the first administration of the noble Earl opposite (the Earl of Derby) I presented a memorial to the Lords of the Treasury on the subject at the request of the Archæological Institute of Great Britain and Ireland, of which I have the honour to be the President, and other learned bodies, but for the short duration of the Government, there was no possibility of anything being done. I presented a similar memorial to the Treasury during the present Administration, but never received any answer whatever to my application. A communication, however, was made through the Lord Lieutenant to the Royal Irish Academy stating that the Lords of the Treasury are willing to allow fair compensation to the finders of any ancient articles of gold or silver, and repeating their advice as to the proper machinery to be adopted. I believe it has been ultimately arranged to use the instrumentality of the police, which has been found so useful for agricultural statistics. My memorial applied to England as much as to Ireland, but I have not been able to ascertain that any answer has been given either to the noble Earl, President of the Society of Antiquaries, or any other of the English societies. Three years ago I prepared a Bill for the purpose of settling this question with reference to England and Ireland as far as Crown rights were concerned. The Bill was by the meeting of your Lordships read a first time, but I did not proceed to a second reading, as I felt the great technical difficulties connected with the subject, both for its partaking of the character of a Money Bill, and also from the opposition likely to be encountered from private parties who enjoyed grants from the Crown. My object is not to cast any reflection upon any individual or public department, but to ascertain, and give publicity to the course which the Government are prepared to follow in England, as well as Ireland and Scotland, and thoroughly to ventilate the subject. He moved for

Copies of Memorials presented to the Lords of the Treasury from any Societies or private Individuals.

Copies of any Circulars issued by the Queen's and Lord Treasurer's Chief Remembrancer of Scotland, the Chief Secretary of the Lord Lieutenant of Ireland, or the Secretary of the Home Department, on the Subject of Treasure trove.

Copy of any Treasury Minute on the Subject of Treasure trove.

THE LORD CHANCELLOR admitted that the subject to which the noble Lord had called attention was one of very considerable interest, but at the same time of great difficulty. The great difficulty of legislating in regard to it arose from the fact that this particular prerogative right of the Crown had been made the subject in former times of a variety of grants, and, although the Crown might be willing to forego its own right, any interference with the privileges of the grantees would expose the public purse to claims for compensation. It was manifest, therefore, that great caution was required in dealing with it. He fully admitted that the present state of the law was very unsatisfactory, because it offered a temptation to the finders of valuable relics to conceal the discovery and to melt down the articles. Owing, however, to the difficulty he had mentioned, he did not see his way at present to any amendment of the law; and he was not aware that any steps had been taken by the Government in the matter. He had no objection to the Motion of the noble Lord, and would himself take the opportunity of investigating the subject. If he found that anything further could with propriety be done, he would bring it before the Government.

LORD TALBOT DE MALAHIDE wished to explain that he was afraid the noble and learned Lord had somewhat mistaken the exact meaning of his Motion. He had no desire to interfere with any private rights, but merely to ascertain what steps the Crown was prepared to take in those cases where there had been no grant of its prerogative to any one.

THE DUKE OF ARGYLL said that, speaking not on behalf of the Government, he rose to thank his noble Friend for having brought this subject forward. It was a fact within his own knowledge that many valuable and interesting relics were now consigned to the melting pot, owing to the existing state of the law. The laws of England and Scotland in regard to treasure-trove were different; in England treasure-trove sometimes appertained to the Crown, and sometimes to the Lord of the Manor; whereas in Scotland it always appertained to the Crown. In many cases in Scotland where gold and silver and other ornaments had been found, the finders would have been willing to give them up to their landlords in whom they felt an interest, and from whom they would expect some small acknowledgment; but they were not so willing to give them up to the Crown, that is to say, to the general public. Owing, however, to the exertions of the archæological societies in Edinburgh, Ireland, and elsewhere, an important change had taken place from the announcement that in cases of discovery of treasure, the Crown would, in all cases, give full value for them. He happened to be cognizant of these facts—particularly from the circumstance of a large number of ornaments having been recently discovered in the Island of Iona.

Motion *agreed to*.

ADMINISTRATION OF JUSTICE (ENGLAND AND IRELAND).

ADDRESS FOR A COMMISSION.

THE MARQUESS OF CLANRICARDE rose to move an Address to the Crown for the appointment of a Commission to inquire into the Constitution, Practice, and Procedure of the Common Law and of the Equity Courts in Ireland. He was induced to bring the question again before their Lordships in consequence of the encouragement he had received and the valuable information which had been supplied to him since he opened the subject in that House. He complained that the reforms and improvements in the practice and procedure of the English courts of law had not been extended to the Irish courts. The consequence was not only a continued waste of money and time to suitors in Ireland, but also an extravagant expenditure of public funds, for the judicial establishments were overgrown and out of all proportion to the work they had to perform. The point on which he desired first to address their Lordships, and on which he felt himself prepared to speak with confidence, because he was supported by high authorities, was the present condition of the Irish Court of Chancery. The value of property assessed to the income tax in England exceeded £246,000,000. The value of property so assessed in Ireland, where the population was, he believed, about 6,000,000, was only £22,000,000. In England there were seven Equity Judges—the Lord Chancellor, the Master of the Rolls, two Justices of Appeal, and three Vice-Chancellors. In Ireland they had the Lord Chancellor, the Master of the Rolls, the Lord Justice of Appeal, three Masters in Chancery, exercising judicial functions—a class of functionaries now abolished in England—besides one Master occupied in accounts, and three Judges of the Landed Estates Court—in all nine Equity Judges. With regard to the last-mentioned court one instance would be sufficient to show the benefits which it conferred by facilitating the transfer of land. An estate having been bought in the Encumbered Estates Court passed into the hands of a person who wished to resell it. A gentleman was desirous to become the purchaser. Negotiations were entered into and the purchase was completed. The money was paid, the estate was transferred, and the conveyances were duly executed. The gross rental of the estate was £576 a year. The cost for stamps was £62, and the attorney's bill, including a search of the register to see that no incumbrance had been created since the Court gave a title, and the registering of the new purchase, was only £8 14*s.* 2*d.* It was obvious that the simplicity of title secured under the administration of the Court must prevent a great amount of litigation, and that there was a certainty of the business of the Court being gradually reduced. About six or seven years ago the number of cases in the court was 1,300, and in 1859 the number was reduced to 400. He held that the staff of even this Court might be easily reduced; while its affect upon the legal business of the country generally was obvious. But the point to which he wished to call particular attention was the existence of three Masters of Chancery, performing judicial duties, when those officers had been abolished in England. In the Court of Chancery in England the businesss was now disposed of with the utmost facility and with the greatest cheapness, while due attention was paid to legal points and legal questions. How extravagant was the staff of equity Judges in Ireland appeared by a comparison of the property administered by those courts with that managed by the Equity Courts in England. The total amount of money paid out of the English Court of Chancery in 1859 was £14,185,035. The amount paid out of the Irish Court of Chancery in the same year was £1,145,000, or about one-fourteenth. The cash, stocks, and securities held by the Court of Chancery in England amounted in October, 1858, to nearly £53,000,000. The cash, stocks, and securities held by the Court of Chancery in Ireland amounted on the 1st of January last to nearly £4,000,000. The amount of business in the Irish Court was infinitely inferior to that of the English Court, and yet the cost of administering property in the English Court of Chancery was little more than one-third that of the Irish Court. The Report of the Commission, to which were attached the names of the present Lord Chancellor of England, the present Lord Chancellor of Ireland, Mr. Blackburne, the Lord Justice of Appeal in Ireland, the Master of the Rolls in England, and several other eminent lawyers, recommended that the practice and procedure of the Irish Court should be assimilated to those of the Court of Chancery in England. The Report was presented five or six years ago, and ever since it had remained a dead letter. He felt that here he was rather over proving his case, and that it might be said there was no need for a Commission, as, after the Report to which he had referred, they might deal with the case at once. But it must be remembered that, whereas all the alterations in England had proceeded on well-considered Reports, either of Commissions or Select Committees, the alterations, such as they had been, in the Irish courts within the last thirty years had for the most part been made without previous investigation. The expenses of the Common Law Courts had, as he had shown on a former occasion, increased in proportion as the business had decreased. The staff was larger than necessary, for, while there were only fifteen Common Law Judges in England, there were twelve in Ireland. In his opinion, these twelve might safely be reduced to nine, and instead of six circuits, four circuits would be quite sufficient. As far as he could make out, two puisne Judges in England did as much work as nine puisne Judges in Ireland. When Lord Lyndhurst recommended the increase of the number of the puisne Judges in England, it was with the object that there might alway be Judges to hear cases in chambers; but while in England the number of orders made in chambers in 1859 was 44,870, of which 41,325 were made without the attendance of counsel, the number of chamber orders made in Ireland in 1860 were 1,782, of which a few more than 100 only were made without the attendance of counsel. To show that the number of circuits might be safely diminished to four, he found by Returns before Parliament, that there were only five cases of homicide in 1859 in Ireland, while in England and Wales in 1860 there were 149 homicides. The committals, too, for crimes in England and Wales were 16,674, and the convictions 12,470, in 1860; while for Ireland the committals were only 5,865, and the convictions 3,109. In 1851 the number of judgment cases entered in the three Law Courts in Ireland was 7,229, at a cost to the public in salaries and emoluments of £17,759, while in 1859 the number of cases and judgments entered had dwindled to 3,421, and the expense had risen to £22,399. Much inconvenience arose from the practice in Ireland of the Judge framing the issues, which of course he did not on evidence of the real facts of the case, but on mere statements of parties. The consequence was that at the trial the evidence was not directed so much to the merits of the case and the rights of the real litigants as to the particular issue thus framed by the Judge. These were matters which were notorious, and he trusted the Government would not object to inquiry into admitted evils. The only objection which he could conceive to the Motion was that it would be unpopular with the legal profession in Ireland to diminish the number of places; for there could be no doubt that the effect of new regulations in the Law Courts would be to diminish the amount of public money expended on the staff of these Courts and the number of fees uselessly paid. He did not believe thst any Irish lawyer worthy of his profession would take such an objection. His object was to raise the Irish Bar. He believed their Lordships' House was the only tribunal in this country at which Irish lawyers were allowed to plead, and that only in Irish cases. If the practice of the Law Courts in the two countries were assimilated, an Irish lawyer might then be brought over to plead here; and, on the other hand, he wished that facilities were given by which eminent counsel from this country might be taken occasionally over to Ireland to plead in the superior courts when knotty and difficult points of law were involved in a case. The noble Marquess concluded by moving,

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to issue a Royal Commission to inquire into the following matters with a view to reduce costs to suitors and the expenditure of the public money, and to assimilate, so far as may be practicable, the administration of justice in England and Ireland, in accordance with the recommendations of the Royal Commission of 1855:
>
> "1. The Constitution, Establishment, Practice, Procedure, and Fees of the Superior Court of Common Law in Ireland:
>
> "2. The Differences between the Constitution and the Forms of Practice, Procedure, and Fees of the Courts of Chancery of England and of Ireland."

Lord WENSLEYDALE thought that a clear case had been made out for inquiry. Down to 1828 the practice in the Law Courts of the two countries was very nearly the same; but since that time important changes had been made, both in the equity and the common law Courts in England, which had not been extended to Ireland. Under these circumstances it was certainly desirable to inquire which of the two systems at present existing was the better.

Earl GRANVILLE admitted that the noble Marquess had made out a clear case for inquiry in this matter, and he, therefore, on the part of the Government, would make no opposition to the Motion. He would, however, suggest the omission of the words "in accordance with the recommendation of the Royal Commissioners of 1855," which might, perhaps, have the effect of unnecessarily restricting the future Commissioners.

The Marquess of CLANRICARDE said, he would, with their Lordships' permission, strike those words out.

Lord BROUGHAM entirely agreed with the Motion. Nothing could be more necessary than that such a Commission should be issued. There was one part of the subject, however, which required no Commission—he meant that of judicial statistics. It was evidently most important that there should exist judicial statistics in respect of Ireland, such as there were in the cases of England and Scotland. Whether the practice of the Courts could be in all respects assimilated, might be a fitting subject for inquiry, and might possibly demand legislation; but by a simple Order of the Treasury the system of judicial statistics might be extended to Ireland at no greater additional expense than the appointment of one extra clerk. Without these statistics it was impossible for Parliament to judge what was the effect of their legislation. One advantage of the assimilation of the practice and procedure would be that it would decrease the difficulties which surrounded appeals from Irish Courts to the Privy Council. That morning the noble and learned Lord on the Woolsack, with the assistance of some other noble and learned Lords and himself, had been engaged in hearing a case from an Irish Court in which the inconvenience of the different practices of the two Courts was very apparent. In this country the parties were allowed to go on pleading till they came to an issue; in Ireland a totally different course was pursued; the learned Judge there decided on the issue. He trusted that the Motion would be agreed to, and that a direction would be given that measures should be taken to secure for Ireland statistics of its judicial proceedings.

THE MARQUESS OF CLANRICARDE said, that he entirely approved of his noble and learned Friend's suggestion respecting Judicial Statutes.

Motion, as amended, *agreed to.*

MOZAMBIQUE—EASTERN AFRICAN SLAVE TRADE.

MOTION FOR A RESOLUTION.

LORD STRATHEDEN rose to move the Resolution of which he had given notice—

> "That in the Opinion of this House it is desirable, without delay, to restore the Consular Authority of Great Britain at Mozambique, in order to assist the Government of Portugal in repressing the Slave Trade on the Eastern Coast of Africa."

The noble Lord said, last year, on the 25th of June, the House of Lords addressed the Crown to re-appoint the consul at Mozambique, in order to promote the execution of the treaties between Britain and Portugal upon the Slave Trade. The Address and vacancy continue. A paper has been issued to the House of Commons assigning Mozambique to a list of consulships abolished. Since then the noble Lord the Foreign Secretary, in answer to a recent deputation, has again resolved to weigh the question. The Motion of last year, therefore, is not deprived of hope, and yet has hitherto been fruitless. It would be, indeed, an idle manifesto on the part of the House of Lords unless a further step was taken for its object; and I should have been guilty of idly and, therefore, unpardonably wasting the attention of the House were I to refrain now from further agitation of the subject. I shall, therefore, hope for the indulgence which your Lordships usually extend to those who, having seldom ventured to address you, do so not from choice, but from a necessity which binds them.

Much, however, as I feel the want of that indulgence, it is not because, as it appears to me, the Government are bound to view the Motion in a hostile spirit. If last year they were justified in the course they pursued, and if your Lordships, who declined to join them, were in error, since that time reasons of a commercial kind for the appointment of a consul have arisen, founded on the new demand for cotton in the world. Such reasons are immensely heightened by the very latest news we have on the slave trade. When, beyond these obvious arguments, a few years back the Government of the day, impelled by the House of Commons, resolved to send a consul to Mozambique; when every ground for sending him was justified by circumstances too well known to the world; when the very facts which led to his departure showed the peril of his absence; when the House of Lords has addressed the Crown in order to replace him; when the judgment of the House of Lords enjoyed the highest marks of public approbation—a Government which hesitates at first, which next declares the consular authority in question to be abrogated, and then, again, resolves upon deliberating, stands in a position which, if this debate should close, it would be a friendly act to them as well as to the country.

In spite of the veil which hangs over the eastern coast of Africa from Cape Delgado to Delagoa Bay, a seaboard of 1,500 miles without a British representative—a veil which in itself forms a conclusive reason for appointing one—in spite of the fact that from his absence none of our merchant men are found upon the coast, and that our cruisers seldom penetrate its darkness, it will not be difficult to prove, from the documents the Foreign Office has supplied to us, what ought first to be established—namely, the existence and intensity of the slave trade in those waters.

In December, 1859, Her Majesty's Commissioners at Havannah distinctly informed the Government that the slave trade had revived in their opinion from the channel of Mozambique. In January, 1860, Her Majesty's Commissioners at Cape Town, in their annual Report on the slave trade upon the eastern coast, explain that from Ibo four vessels have taken off full cargoes for the Cuban market; that from Quillimane negroes are exported at the rate of a cargo every month for the supply of the French settlements. And both these places are within the Portuguese dominion. In August, 1859, Sir Frederick Grey declared that the export of negroes to Bourbon, under the head of free labourers, has been carried on to an extent unprecedented, accompanied by all the evils of the slave trade. In February, 1860, Lord John Russell writes that upon the eastern coast of Africa a most profitable slave trade is carried on with little interruption. He might have said without any so far as Britain was concerned. Captain Rigby, the British agent at Zanzibar, to the north of Cape Delgado, is a witness in March, 1859, that within Zanzibar dominions a French brig of war had protected two French vessels embarking slaves against the wishes of the Sultan. In February, 1860, Lord John Russell tells Lord Cowley that up to the latest dates French vessels, long after the prohibition of the Emperor, had been shipping slaves at Zanzibar, in violation of the laws and in defiance of the Sultan. We learn from Dr. Livingstone in March, 1859, that at Quillimane the French slave trade had suppressed every other commerce. In September, 1860, Her Majesty's Commissioners at Cape Town quote Dr. Livingstone to the same effect down to the early part of April. In June, 1860, Lord John Russell tells Lord Cowley with what regret and disappointment he has learnt that the French Government no longer professes to restrain the purchase of slaves upon the eastern coast of Africa. Last of all, in his recent letter on the treaty for the supply of Indian labour, the Emperor implies that till July, 1862, the attitude of France upon this subject, which Lord John Russell had deplored so justly, will remain unaltered.

No doubt these references may be said to prove more than is necessary, or than at first it was intended to establish. Instead of merely showing the activity of the slave trade on the eastern coast of Africa, incidentally they show the vigour and tenacity of the French demand for negro labour. The illustrations of the French demand on eastern and western Africa are so frequent in these volumes that it is difficult to get out of their way, or make any fact clear without its being more or less entangled with them. And yet the illustrations were not wanting to explain it. It was long ago betrayed by the numerous attempts of the French Government to obtain from the Cabinet of Portugal the negro exportation which they aimed at; by the appeals of interested parties to the Colonial Minister at Lisbon; by the unwearied pressure of the French naval officers and delegates upon the Viceroy of Mozambique. Beyond this it outlived the firmest resolutions and strongest measures to extinguish it. In July, 1857, before the British Consul reached Mozambique, the French Government in theory renounced it, and declared, by the commander of their squadron, that no further embarkation would occur upon the eastern coast of Africa. How far this intention was fulfilled the history of the British Consul has revealed to us. In January, 1859, the Emperor himself, in a letter to Prince Napoleon, solemnly declared the termination of the system. But, as the last despatch from Lord John Russell has explained, the arbiter of Europe yielded in the struggle he was honourably eager to commence. As regards the French demand, therefore, the Government of Britain, the Government of Portugal, and at the head of France itself a mind which no adversity could shake, have all been overcome by it. The treaty which comes into force in 1862 may certainly assuage it. At the best, however, Indian labour, it is much to be feared, will cost more than African. At the best it is but an experiment which Her Majesty's Administration deserve no little credit for resorting to. A document, as well known to my noble Friend the Under Secretary as to myself, informs me that, in 1856, 40,000 Indian coolies were in Bourbon. We all know how little they sufficed to check and supersede the want of negro labour. All that time, as now, the French were able to draw coolies from their own Indian settlements of Pondicherry, Karikal, and Chandernagor. My own impression is, in spite of all these difficulties, the treaty will succeed if the Governor of Mozambique honestly abets it. While he shuts the door of eastern Africa the French demand may very likely take the channel you have opened to it. If he sits still, if he connives, if he partakes, if, like his predecessors, he becomes an interested agent and keen accomplice in the traffic, your remedy, however well conceived, will be inadequate. Slavers will not be watched, slavers will not be captured; the commanders of our squadron will not be supported, the natural resources and lawful commerce of eastern Africa will not be developed while he is opposing you. The effect of the treaty turns on his adherence to a path of independence, of integrity, of sacrifice, of danger. How far, as things stand, will he adhere to it?

A great deal is known now as to the position of this Viceroy. It is known that his salary is not only insufficient, but in the hands of men addicted to the slave trade. It is known that if he looks to ease and popularity, and the opinion which surrounds him, he must in some degree indulge the traffic. It is known that outrage may descend upon him if he sets his face against it. It is known that he is weakened by a climate fatal to his energy, at a distance from the counsels of his Government, the sentiments of Europe, and the influence of friends. It is known that no Viceroy of Mozambique, however Portugal might urge him, ever did resist the slave trade until a British representative was present to support him. What are we to look for in the want of one?

A single fact I lately ascertained from Lisbon will throw some light upon that question. The present Governor General is the same who went to Mozambique in 1857. He arrived soon after our consul. He was sent, in point of fact, by our influence. He went out with instructions, which were rather those of Britain than of Portugal, to eradicate the slave trade in whatever form it might disguise itself. He was not unfaithful to his mission. The coast of Mozambique, under his auspices, was guarded from French vessels. One of them, the *Charles et Georges*, whose name can never be pronounced without recalling bitter sentiments to Europe, by his authority was captured in those waters, 100 slaves having been found in her, the greater part of them obtained in his dominion. While the trial was going on France and Portugal were brought into collision on the subject. Public law was superseded. British interference was rejected. French ships of war entered the Tagus. The inhabitants of Lisbon saw their laws suspended, their capital insulted, and last of all their Treasury despoiled, because the Governor General had done his duty on this question. The Powers of the world looked on with useless indignation. Since then Britain has disappeared from Mozambique; but this deserving Viceroy still remains there. He is there, and is not likely to forget the evils he brought upon his country by his virtue. He is there, and is not likely to outlive the recollection of the wrongs his honesty occasioned her. He might well be pardoned if he fixed his eyes on the transaction in grief, in shame, and in resentment, when every mind in Europe had dismissed it; and while he does so, is it possible that without a British representative to guarantee the firmness of this country, to show she has recovered from the blow which fell on her and Portugal together, to urge him, to sustain him, and to act with him, to draw our cruisers to his aid and commerce to his harbours, he will once more expose the Government of Portugal to a distant hazard of the terrible calamity it went through? Until Great Britain rises once again over those waters can he have instructions so to do; or, if he has, can he obey them?

Another word upon this point would be superfluous. No one can contend that, as things now stand, the Governor General can be what you desire in seconding the treaty by which you hope to put an end to the French demand upon that seaboard. But many may inquire how far a reformation would ensue if Great Britain did her utmost. To resolve this question common sense at once induces us to turn to the Portuguese possession of Angola, on the western coast of Africa. What has there been our course, and what our experience? In 1843, when the mixed court was first established there, and British representatives were for the first time settled at the capital of Loanda, things were very much as they are now at Mozambique. The Portuguese authorities were all devoted to the slave trade. Mr. Gabriel, our Commissioner, saw at one time thirty slavers in the harbour of Loanda. In November, 1843, Captain Foote wrote to the hon. Sidney Herbert that the whole coast occupied by Portugal was interspersed by barracoons full of slaves prepared for embarkation under the control of Portuguese adventurers, and with the flag of Portugal above them. In another letter of November, 1843, Captain Foote denounced to the same Minister the conduct of the Portuguese Judge in the mixed court who had given a certificate to a vessel sailing from Loanda with well-known proofs of being adapted to the slave trade. The tribunal formed to check the evil was thus depraved into its instrument. In April, 1844, the Lisbon Foreign Office published a list of vessels captured by the naval force of Portugal in the two previous years; and that list includes eight vessels of their country. Such was the fatal evidence which Portugal pronounced against herself upon the western coast of Africa. The first British Arbitrator and Commissioner having both in a few months fallen victims—one by his own hand, one by the fever of the country—the outset of our policy was no less discouraging and melancholy than it has been at Mozambique. But perseverance had its consequences. Mr. Gabriel arrived at Loanda in April, 1845; and the last glaring case which he reported was that of the *Veiga*, in 1850. This case being one of a vessel convicted of the slave trade under aggravated circumstances, brought grave, well-founded, and not unavailing censure from our Government on Portugal. Since that time the traffic has been banished from the waters of Angola, although it flourishes beyond them to the north, from the Equator to the Congo. The *modus operandi* has been simple, and every volume on the slave trade would illustrate it. A British representative on shore, whether Consul, Arbitrator, or Commissioner, has obvious lines open to him for the suppression of the traffic. He may give information to the naval officers by which their labours are directed. He may keep the Governor General alive to every object of suspicion. He may see how far the laws of Portugal are executed. He may encourage lawful commerce, to which, indeed, he is essential. He may give the Government at home information and authority, without which he will in vain address the Cabinet of Lisbon. By such means the united efforts of Great Britain and Portugal, on the western coast of Africa, have reached a glorious result; and it is rational to hope that on the Eastern coast the same union would effect a similar achievement.

But granted there is no certainty in our success at Mozambique, it will appear upon reflection that we are no less bound to restore the consular authority without which success is unattainable. The authority was not set up without full consideration. A Committee of the House of Commons sat in 1853 to inquire into our treaties on the slave trade. Captain Bunt, a naval officer, commander of the *Castor*, who had cruized in the channel of Mozambique during 1850-1-2, gave evidence before it so full of interest and gravity that it well deserves the study of your Lordships. By him it was first alleged, representing as he did the views of naval men, that we ought to have a consul at Mozambique, as the first step to the repression of the slave trade in those waters. The Report of the Committee, who were evidently startled upon learning that from Cape Delgardo to Delagoa Bay there was not an Englishman residing, although generally doubtful in its language, blazons that opinion. Soon after the office was created by Lord Palmerston and Lord Clarendon at the same time that our Government was holding a language towards Portugal which made the measure indispensable; for to be perpetually accusing Portugal about the slave trade at Mozambique, while we were parties to the evil we complained of, was something worse than inconsistent. In point of fact, for fifty years we had attempted to exert an influence on Portugal in this sense both on the East and on the West coast of Africa. In sending out the consul we took the course our previous language had dictated to us. It was not found to be superfluous or useless. The strongest illustration fell on its necessity and value. We still profess to seek the object of its agency. Without we do nothing. For it must never be forgotten that the efforts of the Portuguese authorities, the action of our cruizers, and the growth of lawful commerce are all three suspended or retarded in its absence. It was broken down by temporary difficulties which it becomes the honour of the country not to yield to but to vanquish. Acting on the policy of years and the professions of her statesmen we determined on a new attempt against the slave trade in Mozambique. And now, having incurred a check which all Europe saw, we slide into inaction. If such inaction is not on the face of it admissable, what makes it wholly inadmissable is that a degrading motive is quite sure to be ascribed to it. It must strike the world that we shrink from the necessity of defending Portugal should our consular authority engage her in that strenuous resistance to the slave trade which France may not entirely approve of. The world knows at least that since France had reason to dislike it our consular authority has vanished from Mozambique. Undue desire to escape collision with that Government will always be imputed to us, although perhaps unjustly, until we venture to restore it; and even those who do not make the imputation, will remark that we were driven back from an attempt on which we had conspicuously entered.

These views might have been urged last year. Since then a stronger ground has opened itself. The main disadvantage of suspending our consular authority has long ago been pointed to. It is the silence it imposes on our Government—if it has any modesty and recollects itself—towards the Cabinet of Lisbon as regards anything which happens on the eastern coast of

Africa. But there is something worse than silence. It is language unsupported by the conduct of the Government which uses it, and open to a crushing answer from that to which it is addressed. On the 8th of December, 1860, the Foreign Secretary instructed Sir A. Magenis, our Minister at Portugal, to offer a strong remonstrance to the Cabinet of Lisbon as regards the vigour of the slave trade on the coast of Mozambique; and he has called upon that Cabinet to renew its efforts in repressing it. His intentions, no doubt, were good. At least his courage was remarkable. Few men would venture to assert that Portugal was bound to make pecuniary sacrifices—and it is only by pecuniary sacrifices she can repress the slave trade in those parts—while Great Britain shrinks from the minute and inconsiderable cost of sending out a representative to aid her. Few men would venture to assert that Portugal was bound to hazard the fearful weight of French displeasure while Great Britain keeps herself secure from a remote and possible collision with it; that we should arrogate the virtue of remonstrance and leave to them the loss and danger of attending to it; that we should bend to France by the abeyance of our consular authority, Portugal confront her by resisting negro importation, while the mentor skulks away from any part in the exertion which he preaches. If the Ministers of Portugal are unwilling to remind the Foreign Secretary of the anathema which eighteen centuries ago descended on the character who wished to clear the vision of another, his own being darker still, at least they might reply to him in terms which easily occur to us. It is too late now to cancel the remonstrance. It is not too late to support it. You cannot blot it out, but you can justify it by the measure I submit to you.

As things stand affected by the language of the Foreign Secretary, which forms a most essential feature of the case before us, but one consideration could justify a Government in pausing—that is the difficulty of finding anybody suited to the office. It requires aptitudes not always found together. If fancy was indulged in the sketch of a character adapted to it, it would light on some one who had long been accustomed to influence the Portuguese authorities, who would join urbanity with firmness in so doing, who was zealous in his opposition to the slave trade, who had succeeded in restraining it, and who could bring to bear upon the evils and disorders of Mozambique the talent and authority by which in a course of years he had reformed the situation of Angola. In Mr. Gabriel the Government would find, perhaps, that such a character exists, even if they are not able to enlist him in a service so full of danger and of honour, and for which his past career so eminently marks him. Mr. Gabriel has now been a British representative at Loanda fifteen years. He may be regarded, as in some degree, the founder of our system there. He has had to deal with no less than half a dozen Viceroys. The volumes on the slave trade abound with proofs of his tact, of his public spirit and intelligence. He is in England at this moment. But setting Mr. Gabriel aside, Colonel Rigby has just left Zanzibar, and no one can have watched the history of eastern Africa for the last few years without being struck by the many proofs which it reveals of his judgment, of his energy, and fortitude.

My Lords, whatever course my noble Friend the President of the Council may deem it right to take upon this Motion, he will have at least the justice to remember that half a century ago we entered on a certain line of conduct towards Portugal for the repression of the slave trade; that a few years back that line imposed upon us a fresh exertion at Mozambique; that the exertion broke down from causes it is possible to guard against and which increase the duty of reverting to it; that the motives which originally prompted it remain; that new ones loudly call for it; that this House, supported by the public, a year ago, advised Her Majesty's Administration to renew it; that the recent language of the noble Lord the Foreign Secretary, which is the language of the country, can only be invested with propriety and dignity by doing so; that the experience and power which the office wants may be obtained; that the Viceroy of Mozambique, whom our influence appointed, struggles at his post to carry out the policy we claimed while we are doubting whether to stand by him. My Lords, the object of the Motion ought to be not to gain a barren victory like that of last year over the Government, but to convince them that the proposition is one it better suits them to accept than use their power in resisting. Regard for the consistency of the noble Lord the Foreign Secretary is a motive which may weigh perhaps in their decision. Beyond that the President of the Council may bear in mind that, responsible as he is before the public for the dignity of the House of Lords, he is bound to pause before he asks them to recall the judgment they pronounced last year upon the subject. It was not rash. It was not inconsidered. There was not the shred or shadow of an argument opposed to it. He was not able to unite his friends; he was not able to unite his colleagues in resisting, and now the Prime Minister himself, in answer to a recent deputation, has informed us that it is not to his opinion or his power we ought to trace the vacancy referred to. At the same time the Prime Minister must see the whole discredit it involves; and from this the noble Lord the President, no doubt, would anxiously relieve him. Still more anxious, if I am not mistaken, he will be now the facts are placed before him to close a situation which, in a single word, withdraws from Africa a hope, inflicts on Portugal a wrong, and stands between Great Britain and its honour. My Lords, the Motion is submitted to you under circumstances more imperative than those which last year appeared to you sufficient, but in a form less grave and less emphatic than that which even then your Lordships deemed it prudent to adopt. The noble Lord concluded by moving his Resolution.

LORD WODEHOUSE said, that the Address for the appointment of a Consul at Mozambique, which was adopted last year, was carried by surprise, and because the Government, not anticipating a division, had allowed their supporters to leave the House. Under those circumstances it could scarcely be regarded as having enunciated the decided opinion of the House upon this question. He should have been disposed to ask the noble Lord not to press this Resolution to a division, but as he knew from experience that the noble Lord had far too much determination to adopt so mild a course, he should endeavour to show their Lordships that it was not desirable to agree to his proposal. His noble Friend's reference to the blue books appeared, as far as his recollection served him, to refer to a state of things which had gone by—namely, to that which existed prior to the commencement of the year 1859, when the Emperor of the French wrote the letter by which he put an end to emigration from the east coast of Africa. At the time of the affair of the *Charles et Georges* there existed an active emigration of negroes; but the letter of the Emperor had put a close to that system. It was true that that emigration did not cease immediately upon the publication of that letter; but that circumstance arose from no want of good faith on the part of the French Government, but from the distance to which instructions had to be sent and the time necessarily occupied in sending them. The treaty with France to which his noble Friend had alluded did not refer to the emigration from the eastern coast, which had already been put a stop to by the letter of 1859, but to the emigration from the western coast, which was to be put an end to in 1862. The reason for that date being fixed upon was that the French Government had entered into a contract by which a certain number of blacks were to be sent to Martinique and other colonies; that contract would not expire until the middle of 1862, and Her Majesty's Government were unwilling to consent to a treaty allowing the emigration of coolies to those colonies until the emigration of blacks had entirely ceased; whereas the immigration of negroes from the eastern coast to Réunion had so entirely ceased in consequence of the Emperor's letter that the immigration of coolies into that colony was to be permitted at once. This proved that Her Majesty's Government had not been indifferent or negligent in the matter. His noble Friend's arguments, which were founded upon the state of things which existed while the disguised French slave trade was going on were not applicable to the present state of things. There remained, however, the ordinary slave trade carried on between the east coast of Africa and the Island of Cuba, and it was undoubtedly true that that trade had recently been, to a certain extent, thriving. Some vessels had been captured by our squadron, but others had got away and carried their slaves to Cuba. His noble Friend had said that with regard to the appointment of a Consul at Mozambique the Government had been undecided, and had sometimes held one language and sometimes another. That was quite natural, because that appointment involved no question of principle, and was, indeed, a matter which he thought might have been left to the discretion of the Executive Government. If the House of Lords or Commons told the Government to appoint a Consul here or there, it seemed to them that they were usurping the functions of the Executive; but his noble Friend had gone still further than that, for he had selected the person who was to be appointed. He had said that there was at Loanda a very able and excellent gentleman, Mr. Gabriel.

Lord STRATHEDEN was understood to explain that he had said he was afraid that Mr. Gabriel would not resign his appointment at Loanda for the sake of the less lucrative one of Consul at Mozambique.

Lord WODEHOUSE did not think that he had mistaken his noble Friend as to his selection. He had understood his reference to the improbability of Mr. Gabriel's accepting the appointment as a gentle hint to the Members of the other House that they should raise the salary of this Consul at Mozambique to the amount which Mr. Gabriel received as Commissioner at Loanda, in order to induce that gentleman—whom he was glad to have that opportunity of saying was a most able man—to accept the appointment. No doubt a great deal might be said on both sides of the question. He was not prepared to deny that many reasons might be given for the appointment of a Consul. Lord Clarendon, when he appointed a Consul at Mozambique, must have thought that there were such reasons; but his noble Friend, who was unable to be present that evening, had authorized him to say that he thought that this was a matter which might be left in the hands of the Secretary of State for Foreign Affairs, and that he did not think that the appointment of a Consul would be of much use unless a large squadron were placed upon the eastern coast of Africa. In point of fact that was the gist of the question. If you placed a large squadron on the coast you might, no doubt, at great expense, suppress the traffic; but if you had a squadron it would be of very little use to place one agent at some one particular point upon the coast—it would be necessary to have agents all along the shore to give information to your naval officers. On the western coast, though the Portuguese claimed the entire jurisdiction, they had establishments only at isolated points, and the coast for many hundred miles was held by a number of petty slave-trading chiefs, and we appointed Consuls, who resided in their neighbourhood and exercised great influence over them. The case was very different in the Portuguese possessions on the western coast, where no Consul could think of declaring war against the King of Portugal for anything that might occur in his district. There a

Consul could only remonstrate with the local authorities in a series of notes. The authorities would deny some of his statements, and promise to inquire into the others. The Consul would transmit the Despatches home, and thence they would be sent to Lisbon. They would be brought under the notice of the Foreign Secretary there, who would also contest the statements, and send to Mozambique for explanations. These would arrive in time, and would pass backwards and forwards in a similar manner. What redress could be expected from such a course? The result would be only a great deal of exasperation on both sides, and a state of things would probably arise such as made the late Consul throw up his appointment in disgust. It was an undoubted fact that the slave trade existed on that coast; but it would be useless to place a Consul there unless he had a squadron to support him in his efforts to repress the illegal traffic. On the east the Portuguese had an enormous extent of coast to which they claimed possession, but upon which they had only two or three isolated posts, and the consequence was that they had very little authority there. On the west, however, they had really solid possession of the territory which they claimed, and their power was accordingly more substantial. The Portuguese Government, he believed, were as much in earnest in desiring the suppression of the slave trade on the one coast as on the other, but they had not on each equal power to carry it into effect. This question of the appointment of a British Consul was, he was ready to admit, worthy of consideration, but he thought there were reasons for pausing before such a step was taken—amongst them was the fact that Dr. Livingstone at present held the consular appointment in the district referred to by the noble Lord, and it was desirable to see what would be the result of his proceedings before any change was made. He hoped their Lordships would show their confidence in the Government by leaving the matter in the hands of the noble Lord at the head of the Foreign Office, whose zeal for the suppression of the slave trade was well known, and would leave it to the Executive to decide as to the time and manner of this appointment, if such an appointment should appear to them to be desirable.

Lord BROUGHAM remarked upon the statement of the noble Lord that the vote of last year had not been such as to express the opinion of their Lordships on the Motion of his noble Friend (Lord Stratheden). The noble Lord stated that the majority on that occasion was owing, not to the strength of the cause, not to the facts brought forward, not to the ability with which they were stated, not to the eloquence of his right rev. Friend (the Bishop of Oxford), worthy of the cause he espoused and the name he bore—that it was not owing to any or all of these ordinary causes of an important majority in a debate, but to what his noble Friend (Lord Wodehouse) called "our letting our people go." That was language that might have been formerly used in some of our colonies—"We had not a sufficient number of workmen on our occasion to get in the sugar, to get in the cotton, or to gather the coffee, because the weather was such that we let our people go."

Lord WODEHOUSE said, he did not use the word "people." He spoke of the "supporters" of the Government.

Lord BROUGHAM observed that, whether they were called "people," or "supporters," or "black negroes," or "white slaves," did not matter—the expression of his noble Friend implied that the Government exercised an authority over them by which they could be kept back or let go at pleasure. He believed that the Portuguese Government had been most zealous in their desire to abolish the slave trade on the east as well as the west coast. Great credit was due to them for their conduct on the west coast. Instead of the 60,000 negroes who used to be carried from the west coast to Brazil, the number had been reduced to 30,000, to 20,000, till at last the traffic had ceased entirely. The consequences had been most happy to the great continent of Africa. He had it on the authority of Mr. Gabriel, an extremely well-informed person, who had resided twenty-four years in the district of Loanda, that the improvement in that part of the country was so great that not only had the trade in human creatures ceased, but the legitimate exports amounted to £260,000 a year, and the imports to £230,000. These circumstances encouraged them to hope that no long period would elapse before that vast continent, which had suffered so much from the crimes and avarice of white men and Christians, would be freed from the slave trade. The complaint of the Portuguese was that they had not sufficient authority on the east coast, and that they were not supported as they expected to be by the appointment of a British Consul there. They believed that the support of such an officer would enable them to carry into effect their desire to extend to the east coast the blessings which had attended the suppression of the slave trade in some portion of the west. All were now agreed that the iniquitous traffic must be put down by immediate measures, and that this country had not only a right, but a duty to exercise in interposing their assistance and authority for that purpose in foreign countries and foreign colonies, as we had done in all our own dependencies. He hoped and trusted that, by God's good providence, slavery itself would before very long be exterminated; but that could only be accomplished gradually and by peaceable means. Whoever was an enemy to the negro, whoever was a friend to slavery and to the slave trade itself, would advise hasty, rash, and violent measures, and would incite a negro insurrection, which would be the greatest curse that could happen, not only to the slaves themselves, but to the whole community of which they formed a part. The greatest of all mistakes had been committed in some parts of North America in imagining that those who were opposed to violence and in favour of lawful and prudent measures were, therefore, not hostile to slavery. His belief was that those who, like himself, held those principles and acted only by the force of public opinion were the most effectual enemies of that abominable institution.

Earl GRANVILLE said, the noble and learned Lord had rather misunderstood what had fallen from his noble Friend the under Secretary of State in reference to the division of last year. It was not that any moral or physical compulsion was used, because such compulsion could not be used to induce the supporters of the Government to withdraw; but, in point of fact, the Members of the House retired under the belief that no division would take place. Some of those were of opinion that it was a subject for the Executive Government and not for the House; while others, like the Earl of Clarendon and the Earl of Malmesbury, went away because they were opposed to the appointment of a Consul. He did not rise to re-open the question. The noble and learned Lord in bringing forward his Motion had stated all the points in its favour, and his noble Friend the Under Secretary had shown what objections there were to the proposal. He thought with his noble Friend the Under Secretary of State that this House should not set an example to the other House of considering questions peculiarly belonging to the Executive Government, and he, therefore, appealed to the noble Lord not to press his Motion to a division.

LORD BROUGHAM said, he feared the "supporters" of the Government belonged to a class of persons described by Mr. Fergusson, a Scotch gentleman, when he said, "I have often heard speeches which changed my opinion, but I never heard one which changed my vote."

THE BISHOP OF OXFORD said, he ventured last year to counsel his noble Friend to persevere in his Motion, notwithstanding the syren voice of the noble Earl, and he was induced to give him the contrary advice to-night. They were in all respects very differently circumstanced this year from last, because if by chance they had a superiority in argument they would certainly not have a superiority in votes. That was not, however, the reason which induced him to advise his noble Friend to withdraw his Motion, as he should himself rejoice to have the opportunity of recording his opinion, no matter how small might be the minority: the ground upon which he advised his noble Friend not to divide was this—that he could not but think that the appointment of a Consul to the east coast was in some degree damaged by this House venturing to give an opinion to the Executive Government which the Executive Government did not wish to receive, and that the broad principle of teaching this House a lesson not to interfere, but to trust implicitly in the Executive, might have prevented the Executive Government doing for a whole year what the Executive Government might, perhaps, have done if they had received no such intimation. Many of the leading members of the present Government had shown distinctly for many years that they had at heart the suppression of the oppressive slave trade. He felt bound to do justice to the noble Lord at the head of the Government and to say that through a long career the noble Lord had uniformly maintained a noble and honest policy on this subject. He would, therefore, leave the Government, free to act on what he believed would be their nobler inspirations when they felt that the House had not interposed with a vote upon a matter which should be left to the Executive Government. As far as the arguments went, he did not think that the laborious and detailed speech of the noble Lord who moved the Resolution had been answered by the noble Lord the Under Secretary. The argument used by the Under Secretary was, that a great deal had been done to stop the accursed slave trade which had been carried on for some time on the eastern coast, and that their Lordships might conclude from what had been done that a far more important step than the appointment of a Consul would be taken, if necessary, to accomplish their object. But he would remind his noble Friend that the question was not what was most important to be done. He would say to him, "This you ought to have done, but you ought not, therefore, to have left the other undone." If the appointment of a consular power on the eastern coast would materially help the great work which by other means the Government had been labouring to accomplish, why, because they had used other means, should those means, though minor and less important, be neglected? It was said that the Consul would be of no great value unless he was supported by a large squadron. There was not a shadow of argument in support of that simple assertion, and, so far from believing in the truth of it, he believed that the smallest physical support to the Consul—sufficient only to preserve him from personal violence—was all that was needed to make his interference perfectly effective. He begged their Lordships to observe that there was a great contradiction in the argument used by his noble Friend. His noble Friend said that on the western coast the Consul's influence was of great importance, because there the trade was carried on by small independent slave-trading chieftains; but that on the eastern coast his efficacy would be very little, because there he would have to do with the Portuguese and French Governments, and not with slave-trading chiefs, whom he could coerce. But then, having shown the strength of the Portuguese on that side and the absence of slave-trading chiefs, his noble Friend went on to say that the Portuguese had no strength there, and that the trade was carried on by the Sultan, whose name appeared in the papers, as an independent Power. The argument appeared to be entirely self-destructive. If the Portuguese were so weak that independent Sultans carried on the trade, the earlier part of his noble Friend's speech, that the Consul would be of no efficacy, because his influence would have to be brought to bear on a great Power, and not on independent chiefs, was altogether destroyed. But there was another ground which he begged the Government to consider. There was a power greater than the power of squadrons, and that power they wanted to bring to bear upon the eastern coast. There was the public opinion of the whole civilized world. The main result which he and others believed would come from having a Consul on the eastern coast, was that light would be thrown on deeds of darkness, which would render the perpetual perpetration of them impossible. They had now no authorized channels through which to collect information. The slave trade flourished there for the selfsame reason that deeds of violence flourished where those deeds were sheltered from the observation of man. But if they were able to throw the light of civilized Europe upon the actions, not of the Portuguese Government, but of the agents of the Portuguese Government on the eastern coast of Africa, he maintained that connivance at the traffic, not by the Government of Portugal, but by the Government agents of Portugal, would be for once and for all prevented, and they would, by a most trivial addition to the expenses of their consular establishments, be striking one of the most fatal blows against the continuance of the oppressive traffic which the power of England had ever struck. It was upon this ground that he most earnestly desired to see Her Majesty's Government issue the necessary directions for the establishment of a consular power on the eastern coast. He asked his noble Friend to leave it in the hands of the Government. Many of those difficulties which were seen last year would now pass away. The conclusion of the treaty with the French Government, and the determination of the French Government to put a stop to the export of the so-called free labourers to Réunion would tend greatly to facilitate the appointment of a Consul. The Consul would be able to check the Portuguese Governors and those who, it was said, forced those Governors to connive at the slave trade, and in that way, the moral sense of the civilized world being brought to bear on the district, the consular power there established, without physical force, would be more effectual than a whole squadron, without the consular power, in checking the slave trade. He held that it was impossible for Dr. Livingstone or any other men who were there maintaining the great principles of humanity, to effect that which they desired to see effected, so long as under the seeming shadow of a Christian Power the abomination of the slave trade was suffered to continue. They must by some means make the opportunity in which to sow the good seeds of legitimate commerce. They could not supplant the slave trade where once it had established itself, by merely endeavouring to introduce legitimate commerce, because the returns of the slave trade to the chieftains were more certain and more immediate, and, although destructive in the long run to their own prosperity, it gave on the instant that for which the chieftain craved, and they could not expect the chiefs, in their present state of civilization, to forego the more immediate for the more distant returns of honest trade. They must enforce a cessation of the slave trade. The labours of Dr. Livingstone and others would plant the seeds of lawful commerce, and when those seeds had once sprung up they need not fear a rise of the slave trade again. But they must take steps to secure the opportunity; and he maintained that no measure could be more effectual for that purpose than a measure which would bring to bear on the underlings of the Portuguese Government the influence of our Government, and which, by enabling our Government to speak to facts, would enable them to bring the moral power of this country directly to bear on the whole of that seaboard. While urging his noble Friend not to press his Motion to a division, he hoped that the result of the Motion would not be lost upon the Government, and that this step would be taken, when it could be taken, not as recommended by a hostile majority in that House, but by reason, argument, and by the convictions of the great mass of the educated and intelligent people of this great country.

LORD STRATHEDEN rose to answer the appeal of the noble Lord the President of the Council. But, first, he must remark in reference to the statement of the noble Lord the Under Secretary, that as to the activity of the slave trade on the eastern coast of Africa he preferred the evidence of Colonel Rigby, Dr. Livingstone, and our naval officers, indorsed as it was and published by the Foreign Office, to any which the noble Lord the Under Secretary could advance. If the noble Lord the Under Secretary admitted the existence of the slave trade on the eastern coast, he was at least incredulous as to the French demand being the foundation of it. Not so Lord John Russell, who, in February, 1860, stated that up to the latest dates French vessels had been shipping slaves at Zanzibar. If anything could show that the Government had no confidence in their own position on the question, it was the attempt to narrow it to a question of detail which Parliament had no right to interfere with. Was it a question of detail whether Great Britain should be true to her policy of fifty years and to her language at this moment? Did not every fact and argument employed show that the question related not to detail but to principle and honour? At the same time the noble Lord who had before had the goodness to attend to him would see that it was not his object to push the House to a division. Since the noble Lord the Foreign Secretary was deliberating, since the Prime Minister had made up his mind, and since the noble Lord the President of the Council, with his wonted prudence, refrained from an opinion on the question, the prospect was as good, perhaps, as their Lordships by a repetition of their vote of last year could make it. He would only venture to express a hope that the noble Lord the Foreign Secretary would go on weighing the question without a prejudice or bias, and that the other House of Parliament might hasten its decision.

Motion (by leave) *withdrawn.*

MR. TURNER, R.A., VERNON GALLERY.

SELECT COMMITTEE APPOINTED.

On the Motion of Earl Granville,

"Select Committee appointed to consider and report in what Manner the Conditions annexed by the Will of the late Mr. Turner, R.A., to the Bequest of his Pictures to the Trustees of the National Gallery can best be carried out: And, having completed such Inquiry, then to consider and report the Measures proper to be taken with respect to the Vernon Gallery, and the prospective Measures proper to be taken with respect to any future Gifts of the same Kind.

The Lords following were named of the Committee:—

Ld. President
M. Lansdowne.
M. Salisbury.
M. Northampton.
E. Derby.
E. Stanhope.
L. Foley.
L. Colchester.
L. Ashburton.
L. Stanley of Alderley.
L. Monteagle of Brandon.
L. Elgin.
L. Overstone.
L. Cranworth.
L. St. Leonards.
L. Chelmsford.
L. Taunton.

House adjourned at a quarter past Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, July 15, 1861.

Minutes.] Public Bills.—1° Indemnity; Ordnance Survey Continuance; Metropolitan Building Act Amendment; Public Works (Ireland).
2° Dublin Revising Barristers; Lunatic Asylums (Ireland) Act Continuance; County Cess (Ireland) Act Continuance; Public Works and Harbours; Lord Clerk Register Salary Abolition; Portpatrick Harbour (Scotland).
3° Naval Medical Supplemental Fund Society; Dealers in Old Metals.

GENERAL WINDHAM.—QUESTION.

Mr. CONINGHAM said, he rose to ask the Under Secretary of State for War, Upon what principle has General Windham been appointed to the Colonelcy of a Regiment, and what military exploits has he performed to justify such an appointment?

Mr. T. G. BARING said, that when a Motion was brought forward some days ago by the hon. Member for Brighton he endeavoured to explain to the House the principle on which these appointments were made. Major General Windham stood first on the list of major generals on the ground of seniority and service for appointment to a regiment, and he was, therefore, recommended by his Royal Highness the Commander-in-Chief to the Secretary for War, and received the appointment to which the hon. Member (Mr. Coningham) had referred. With respect to the latter part of the question, he would ask why Major General Windham now found himself in the list of major generals of the army? and the answer to that question would be a sufficient answer to the question of the hon Gentleman. He found that Major General Windham was promoted to the rank of major general for his distinguished conduct in heading a column which attacked the enemy's defences on the 8th of September, 1855. The *Gazettes* of that day specified the services then performed by Major General Windham in terms most flattering to that officer. The Commander-in-Chief said—

> "He felt himself unable in adequate terms to express the sense he entertained of the conduct and gallantry displayed by the troops, though this devotion was not rewarded by the success which they so well merited, and to not one were his thanks more justly due than to Colonel Windham."

This despatch was dated the 8th of September, 1855, and it was in consequence of it that Colonel Windham got his promotion as major general. In another despatch, written by his more immediate commanding officer, and of the same date, Brigadier General Windham was specially commended for his gallant conduct during the whole struggle at the Redan. There was no officer in the army who more than Major General Windham would demur to the expression used by the hon. Member for Brighton, that it required what is termed "military exploits," in order to entitle a general officer to the rewards to which his rank on the list and general service would entitle him. But this he would say, that in all circumstances, during the whole of his career in India, from the time he landed in that country till the present day, Major General Windham had done his duty to the satisfaction of the commanders under whom he had served, and in all situations in which he had been placed. So much for the question of the hon. Gentleman. But he would not be doing his duty if he did not appeal to the House against the practice of continually bringing forward in that House, not the principle on which appointments were made, but the personal claims and individual characters of officers selected for these appointments. It was not in behalf of his Royal Highness the Commander-in-Chief, or the Secretary of State for War, that he said this, but hon. Gentlemen could hardly be aware of the pain that was felt by gallant officers when, if not attacks, at least insinuations were put down on the notice paper, and discussions took place regarding them in Parliament where they had no opportunity of defending themselves.

THE BUILDERS' STRIKE.

QUESTION.

MR. CONINGHAM said, he wished to ask the Under Secretary of State for War, Whether a body of men belonging to the Royal Engineers have been employed by the War Department on the Barracks at Chelsea in consequence of the strike among the Masons; and, if so, whether such a proceeding be consistent with the principle of non-interference between the Masters and Men?

MR. T. G. BARING: Sir, in respect to this question relative to the progress of the barracks at Chelsea, I have to state that it was most important that the works should be completed, in order that the money voted by Parliament should be expended within the year. The works would have been stopped for the want of a few masons. In consequence it was thought that for a short time some sappers should be employed to prevent the works being brought to a stand-still; and, also, that the labourers not on the strike should continue to be employed, but who must have been discharged but for the temporary employment of a few sappers.

MR. CONINGHAM said, he wished to ask whether the sappers were furnished to the contractor?

MR. T. G. BARING: The barracks at Chelsea are constructed by contractors: but the sappers were furnished not to benefit the contractor but in the service of the Government.

BANKRUPTCY AND INSOLVENCY BILL.

QUESTION.

SIR FITZROY KELLY: Sir, not seeing the noble Lord at the head of the Government nor the Law Officers of the Crown in their places, I beg to ask any Member of the Government, What is the course which the Government proposes to take upon the discussion which is appointed to take place with respect to the Bankruptcy Bill and the Amendments made by the Lords in that Bill? It is of extreme importance that the precise course to be taken should be announced in sufficient time to enable those who wish to take part in the discussion to well consider the subject.

SIR GEORGE LEWIS: The Amendments on the Bankruptcy Bill will be taken on Thursday, and the noble Lord at the head of the Government will state, either this evening or to-morrow, the course which the Government will take on the principal Amendments introduced into the Bill by the Lords.

SUPPLY.

Order for Committee (Supply) read; Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

THE SECESSION WAR IN AMERICA.

QUESTION.

MR. T. DUNCOMBE said, he rose to ask the Secretary of State for Foreign Affairs, Whether he had received any further complaints of the treatment of British subjects in the secession States, and to make a statement upon the subject? What he particularly wanted to do was to set himself right with the House with regard to a statement which he had made on a former occasion, when he thought he was rather hardly treated by the hon. Members for Liskeard and Galway (Mr. B. Osborne and Mr. Gregory). The question he then asked of the noble Lord—

Mr. SPEAKER: The hon. Member is out of order in referring to a former debate.

Mr. T. DUNCOMBE said, he merely wished to set himself right on a personal matter. On the former occasion he was told by the hon. Member for Liskeard that his statement was "an old woman's tale;" and by the hon. Member for Galway, that the information which he had received was from persons who knew probably less than he knew himself. He (Mr. Duncombe) on that occasion stated that the Southern states of America, the Confederated States, had offered 20 dollars for any prisoner, whether man woman or children, taken dead or alive. This was contradicted; and he was told, and the House was told, that this statement was not accurate. Since that he had endeavoured to ascertain from the United States how far he could be borne out in the information which he then gave to the House; and he had received an answer which fully bore him out, in the shape of an Act of President Jefferson Davis and the Congress of the Southern states, passed at the end of May. From the 10th Section of that Act it appeared that the Confederated Congress offered a bounty of, not 20, but 25 dollars for every man, woman, and child captured on board a United States vessel and brought into port alive, while a bounty of 20 dollars was offered for every such person if dead. He also had to make a grave charge against one of our Consuls in the Southern States for having neglected his duty towards a British subject. He (Mr. T. Duncombe) wished to know from the noble Lord whether he had received information upon that point? The last post had brought him a letter from New York to the following effect:—

> "New York, June 21.
>
> "We have several Englishmen here, who have experienced the tender mercy of Southern hospitality and also the inutility of any appeal to our Consuls at Southern ports. Three or four complain most bitterly of their treatment, and state that they had to escape concealed in the cargo of a steamer, and had appealed in vain to the Consuls.
>
> "One intelligent young man spent some time in Savannah, and was present at the period of the tarring and feathering an English captain, and

> he assures me he saw there the Consul wearing Secession colours; and that when a reward was offered for the discovery of those guilty of the outrage on the British captain, the ringleader delivered himself up, claimed the reward, and, after a few days of imprisonment, was liberated to pursue his career of lawlessness. I understand the British Consul at Savannah, in the right of his wife, is a slaveholder, and I cease to wonder no proceeding can be taken in defence of Englishmen."

He thought this was a matter that required looking into, as it was impossible that justice could be done to British subjects under such a state of things. He wished to know whether the noble Lord had received any complaint to that effect from any of those parties, and, if he had, what steps he had taken, or would take, with respect to it?

Lord JOHN RUSSELL said, he had not received any complaint of the conduct of our Consul at Savannah. There was a complaint with respect to the outrage in tarring and feathering the captain of a British vessel, and some correspondence took place with the British Consul on the subject. But he thought that occurrence happened before the Secession, and it had, therefore, nothing at all to do with that question. [Mr. T. Duncombe: It occurred in May last.] There was a rumour that a British captain had been ill-treated and beaten. A great mob assembled, and he was tarred and feathered. But the British Consul did all that it was possible to do under the circumstances. He had received no complaint that the British Consul had worn Secession colours. If that was true it was a very improper thing on the part of a British Consul to wear party colours.

PUBLIC BUSINESS.

QUESTIONS.

Sir HENRY WILLOUGHBY said, that the Pensions (British Forces, India) Bill, which stood for a second reading that night, had only been delivered that morning, and he did not believe that ten Gentlemen in the House had read it. He, therefore, trusted he would receive an assurance from the Government that the Bill would not be brought on that night, and that fair notice would be given with regard to when it should be brought on.

Colonel WILSON PATTEN said, that the noble Viscount at the head of the Government had promised to announce on that day what measures would be proceeded with and what measures would be abandoned during the present Session.

Sir FITZROY KELLY hoped the noble Lord would state at the same time what course the Government intended to take with reference to the Bankruptcy Bill.

Viscount PALMERSTON said, he had stated that on that day or the next he would make the announcement to which his hon. Friend had referred. The Bankruptcy Bill would come on on Thursday, and to-morrow he would be able to state more distinctly what course the Government intended to pursue upon it.

Colonel WILSON PATTEN said, his question had reference to the business generally of the House, and what particular measures the Government intended to abandon.

Sir GEORGE LEWIS said, there were not many measures about which there was any doubt. The two most important were the Elections Bill and the Highways Bill. If possible, he would bring on the Highways Bill on Friday morning, but that would depend on the progress made with the Bill of the Chancellor of the Exchequer, which stood on the paper for that day. There would then remain only the Elections Bill, and he would state on a future day what course the Government intended to take upon that measure.

Sir JOHN PAKINGTON said, that he hoped to receive from the Government a decided answer with respect to the course the Government intended to take with regard to the Greenwich Hospital Bill. The Bill was likely to excite a great deal of discussion, and unless he received satisfactory assurances he should give it his warm opposition. It was too late in the Session to discuss the Bill, and it would be for the Government to say whether it would not be better to give it up, to deliberate upon it during the recess, and to introduce another Bill at a certain period next Session.

Mr. MALINS said, he thought it rather too early to take the Bankruptcy Bill on Thursday, if the noble Viscount only intended to give notice on the next day of the course which the Government intended to take. If he told the House that night what he intended to do, the country would know on Tuesday morning; but if he postponed his statement until the next day the country would not know until Wednesday, and there would not be time to communicate the views entertained as to the proposed Amendments before the Bill came on. He was surprised to find that the Government had not by that time made up their minds on the Bill. The Session, as they all hoped, was so nearly drawing to a close that there was no time to be lost.

Viscount PALMERSTON: It is the intention of the Government to go on with the Greenwich Hospital Bill.

Mr. PEEL said, the Pensions (British Forces, India) Bill was brought in jointly by the India Office, War Office, and the Treasury. It was simply to increase the contribution of the Indian Government to the non-effective charges for the army in consequence of the employment of British troops in India. There would be no objection to postpone the Bill till the next night.

Lord JOHN MANNERS said, he wished to ask whether it was intended to proceed that night with the Lace Factories Bill, and the Windsor Suspended Canonries Bill? He also wished to call attention to the circumstance that since it had been settled that public business should commence at a quarter past four o'clock, hardly any of the Ministers had been in their places at that time. He thought that if it was impossible for the Members of the Government to attend at a quarter past four o'clock, it would be better to fix the commencement of public business for half-past four o'clock.

Sir GEORGE LEWIS stated that all those Members of the Government to whom notice had been given that questions would be addressed to them were in their places at the proper time. In reply to the question of the noble Lord, he had to observe that the Committee of Supply would not probably sit that night until 12 o'clock, and he would bring on the Lace Factories Bill as early as he could.

Sir JAMES FERGUSSON said, it would be convenient to the House to know when the Election Law Amendment Bill would come on.

Sir GEORGE LEWIS said, it certainly would not come on that week.

Mr. NEWDEGATE asked whether the Government intended to go on with the Municipal Corporations Act Amendment Bill? It was his intention to move the clause which stood in his name on the paper.

Mr. LONGFIELD asked if it was the intention of the Secretary for Ireland to go on with the Registration of Births and Deaths (Ireland) Bill, and the Fairs and Markets (Ireland) Bill?

Mr. CARDWELL said, that both these Bills had received attention from a Select Committee, but they had only recently been printed and circulated. If he found they were still likely to give rise to much discussion he would not attempt to make progress with them; but, if he found they were likely to pass without much discussion he should proceed with them.

Sir JAMES ELPHINSTONE said, he also wished to ask what was to be done with the Greenwich Hospital Bill? He did not think there was much chance of carrying it, and he should like to know whether it was indended to bring it on the next night.

Mr. HADFIELD said, he wished to know what was to be done with the Trade Marks Bill?

Mr. SOTHERON ESTCOURT said, he must press for an answer with regard to the Greenwich Hospital Bill.

Sir GEORGE GREY said, he understood that the noble Lord, the Secretary of the Admiralty, had put the Greenwich Hospital Bill on the paper for the next evening (Tuesday) by arrangement, to meet the convenience of the right hon. Member for Droitwich (Sir John Pakington). He believed it was the intention of the noble Lord to go on with the Bill the next evening, if it came on at a reasonable hour.

Mr. T. DUNCOMBE was understood to say that since the tarring of the British captain, to which he had referred, and which occurred before May, other tarrings had taken place in May.

THE IRISH EDUCATIONAL SYSTEM.

RESOLUTION MOVED.

Mr. BUTT said, he rose to move, as an Amendment to the Motion for going into Committee of Supply, the following Resolution:—

> "That, in the opinion of this House, it is inexpedient, in distributing the Grant for the purpose of Irish Education, to enforce the rule of refusing aid to all schools in which religious teaching is made a part of the general instruction of the School."

His object was to raise the question, in which the people of Ireland felt a deep interest, namely, whether in the education in Ireland aided by grants from the State they should not enjoy the same freedom for religious instruction, whether Protestant or Roman Catholic, which existed in England. The sum they were now asked for on account of Irish education was no less than £285,000, and the more liberal the House was in voting money for that purpose, the more necessary it was that Irish Members should take care that it was applied in the way intended by Parliament.

Mr. SPEAKER said, it was a rule of the House that a Vote could not be discussed when the House was not in Committee of Supply.

Mr. BUTT said, he did not wish to discuss the amount of the Vote; but in discussing the general system of Irish national education he was entitled to say that a very large sum of money was asked for carrying out that system. The grant had grown up from £30,000 a year to nearly £300,000, and under the system a sort of educational corporation had arisen, which did many things not originally intended to be done. He did not mean to deny that much good had been accomplished in Ireland by the grant for popular education. It had, undoubtedly, given education to a number of the people who without it would not have received that education. But to understand the precise nature of the good which had been done it was necessary to recur to the past history of education in Ireland. Immediately after the Revolution the Roman Catholic people of Ireland were prohibited by law from education. It was not merely that no assistance was given to them, but it was made felony for a Roman Catholic priest to instruct his people, or for a Roman Catholic schoolmaster to teach the youth of his faith. Before the Union the Irish Parliament granted money liberally for education, but it was voted exclusively for Protestant education, and for the purpose of converting the Irish Roman Catholics to Protestantism. It failed entirely in that object, and Protestantism rather fell away than was increased by the course taken. The next step was the adoption of the Kildare Street system, under which grants were made to schools —Roman Catholics as well as Protestant —provided that the Scriptures were read in the schools. In Catholic schools the Douay version was used, and, at first, the Roman Catholics were supporters of the system; but they subsequently became very much opposed to it, and in 1831 the Earl of Derby, then Chief Secretary of Ireland, instituted the present system. For some time the Roman Catholics received the education given under it without objection; but almost all the rules originally laid down by the Earl of Derby had been departed from, and a new system had grown up, to which both the Protestant and Roman Catholic populations objected. The objections of the Roman Catholics had been stated by their bishops, and they were, in fact, that a system was required of which religion should be a part. The Protestant part of the population also objected to the plan, and in April last one of the most influential meetings ever held in Dublin took place of the Church Education Society, at which the present system was objected to, and a new one asked for which should command the confidence of all classes of Her Majesty's subjects. The system required was that which prevailed in England. It had been said, and, perhaps, would be said again, that the existing system had a hold on the hearts and affections of the Irish people. Well, he believed anything that gave the Irish people education would have a hold upon them. But he asked the right hon. Gentleman the Chief Secretary for Ireland, if he could find a single Irish Member who would rise in his place and say that his constituents approved of the present system? Then, if that were so, to persevere in the system was to go on enforcing a rule against the wishes of the whole Irish population, and maintaining it in defiance of the whole people. What was the object of this? Was it that the Government wished to be the guardians of the faith of Roman Catholics? The bishops and clergy of that faith told them that they did not require it. Would the Government say they wished to guard the faith of Protestants? The Protestant clergy said they did not require it, and asked for another system. It might, indeed, be advanced by those who held the contrary opinion that the number of the schools in connection with the system had been increased, but he would remind hon. Members that the Kildare Street Society, when undoubtedly proceeding in opposition to the wishes of the great majority of the people of Ireland, made the same boast. Again, he would probably be told that the system promoted combined education. Of all the delusions that were ever attempted to be palmed off upon the public that was the greatest. In proof of that statement he might refer to the return which he had obtained, giving the proportion of Roman Catholics and Protestants in the schools supported by Government grants. It appeared that there were a large number of schools in which there was but one solitary Roman Catholic on the books, with from 100 to 300 Protestants; and, on the other hand, 300 to 400 Roman Catholics and only a solitary Protestant on the books. And yet it had been represented that in 3,000 schools, comprising 300,000 children, united education was being imparted. In the return 478 schools were put down as giving an united education simply on the ground that one solitary member of the minority appeared on the books; 283 because there were two; and 286 because there were three. He might also point out the fact, that although the principle of inducing the members of the different religious persuasions to act conjointly as patrons to the schools was sought at the outset to be fostered, the efforts made in that direction had not been attended with success. Now that these facts had been revealed no one would venture to say that there existed anything like united education in Ireland under the system; and he asked why, under the circumstances, it should be considered necessary to impose any restriction upon religious instruction? In England there was no rule imposing such a restriction. A Roman Catholic in England could send his children to a school where they would be brought up under the superintendence of his own clergy. It was not so in Ireland. The national peculiarity of the Irish people of all persuasions was that a feeling of piety mingled itself with all their transactions. A reverence for religion prevailed in their outward demeanour to an extent unknown in other countries. Yet it was to the Irish people that they applied a rule which excluded from Government aid all schools which made religion a part of their education. Experience showed that it was vain to set ourselves against the feelings of the nation. The Irish heart burnt for freedom of religious instruction, and by granting that boon they would increase the advantage of the national system, extend education to a class which now refused it, make it more beneficial to those who received it, and strengthen the ties which bound the Irish people to the British Parliament and the British Crown.

MR. MACEVOY seconded the Motion.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House, it is inexpedient in distributing the Grant for the purposes of Irish Education to enforce the rule of refusing aid to all

Schools in which religious teaching is made a part of the general instruction of the School,'"

—instead thereof.

Mr. LEFROY said, he was induced to take a part in this discussion more in consequence of the tone of triumph in which his right hon. Friend the Secretary for Ireland had lately proposed the grant for the National Board, than from anything in the speech of the hon. and learned Member for Youghal. The hon. Member had stated many facts which could not be denied, whilst the observations with which he brought them before the House led to inferences in which he (Mr. Lefroy) could by no means concur. It would not now be necessary to discuss the several topics in that speech, as the hon. and learned Member said he did not propose to take a division, but only to express his views for future consideration. With respect to the success of the National System in Ireland, which he must say had been so extravagantly extolled in a late debate by the right hon. Gentleman the Secretary for Ireland, though it could not be denied that a certain degree of benefit had been conferred by the distribution of so large an annual grant, yet he maintained (on evidence that was produced on the Motion of the hon. Member for Youghal) that the advantages were small in proportion to the sum expended, whilst the Church Education Society, on a small voluntary grant, effected much more in proportion, and carried on united education to a much greater extent. He (Mr. Lefroy), therefore, maintained that this society was entitled to a share of a grant that was called a National one. He could not but feel how much the opinion, even in this House, respecting the usefulness of the National System must have changed, when he recollected that, on one occasion, when he expressed a doubt as to the benefit of that system he was violently attacked in succession by three right hon. Gentlemen, who had filled the office of Secretary of Ireland under different Governments, each contradicting his statement, and advocating the system. He would be curious to know how many independent Members of the House would this evening maintain the opinions of these right hon. Gentlemen? Since then the constitution of the Board which presided over its working had been greatly altered, and the religious books which had at that time been used in the schools had been discontinued. The result was that the members of the Board, who had enjoyed the confidence of the country—he would not say of the Protestants merely, but of the country generally—had felt it their duty to retire from their offices. Dr. Whately, the Archbishop of Dublin, had so retired because, as he himself declared, the principles on which the system was founded had been abandoned; because books, such as the *Evidences of Christianity*, and books of religious poetry which had received the approval of the Roman Catholic Archbishop Murray, had been withdrawn from the schools; and because, in a school in which there were ninety-nine Protestant boys and only one Roman Catholic, if that Roman Catholic boy objected to the reading of a particular book that book could no longer be used. Lord Justice Blackburn and Mr. Baron Greene had also retired from the Board for similar reasons. He should confess, however, that he did not wish to see the Educational Board wholly destroyed in Ireland. They should have the National Education in that country administered through a Board, or else they should imitate the system which was adopted in England. In Ireland, where money was granted for the promotion of education, without any local subscriptions, a Board was, he believed, the fittest body for presiding over the employment of the fund. The English system was denominational, and the sums given by the State were in proportion to the sums raised by private subscriptions; and under such a system books which taught particular creeds were used in the schools. He believed that such a practice would work most unfavourably for the Protestants in the south of Ireland, where a large majority of the population were Roman Catholics. Besides, he feared if the public grants were to bear any proportion to the amount of the local contributions the great work of popular education would be neglected in many of the poorer Irish districts. He could, however, assure the Government that the changes which had been recently introduced into the working of the system in Ireland had wholly deprived it of the confidence of the great mass of the Protestants of that country. The noble Lord the Secretary for Foreign Affairs, in presiding upon a recent occasion over a meeting of the British and Foreign School Society, expressed his belief that the best education for this country was a Scriptural education; and the late Dr. Chalmers, as also William Allen Gurney and Lord Brougham, had strenuously advocated the necessity of placing the Word of God in the front of all our teaching. He (Mr. Lefroy) honoured those opinions as worthy of a great and enlightened British statesman, and asked the noble Lord to extend them to Ireland, where the authority of the Scriptures was equally acknowledged. He should not think of stopping the grant, but he would never cease to press on the House and the Government the importance of the Bible being made the foundation of all teaching. He thanked the House for the patience with which they had listened to him.

MR. MACEVOY said, that the question under consideration was one of great importance, and he regretted that the hon. and learned Gentleman had not brought it forward at an earlier period of the Session when there would have been a better opportunity for discussion, and obtaining the real opinions of hon. Members upon it. The noble Lord the Secretary for Foreign Affairs had admitted that a Ministry which, as regarded England, inscribed "Education without religion" upon its banners would not have a long duration. It was a matter of regret that the Irish Members were not sufficiently powerful in that House to compel the adoption of that system of education in Ireland which the noble Lord knew was the only one that would be tolerated in England. It was clear from their Report that the Commissioners who had so ably conducted an inquiry into education in England, were opposed throughout to the mixed system as it existed in Ireland. It was impossible to read one page of their Report without finding it stated that nothing but the denominational system could secure a religious education. That was stated with regard to England, and why should a different system be forced on Ireland? Now, what was the actual case with regard to the national schools in Ireland? They professed to afford combined literary and separate religious instruction; but would the House believe that the way that was done in the case of 3,500 schools, or three-fourths of the whole that received aid from the State, was by making it optional with the patrons of the schools whether there should be any religious instruction whatever given in them. Then, with regard to the remaining 1,688 schools, which were vested in the Commissioners, one of the rules stated that in the event of any child objecting to religious instruction being given during school hours, the Commissioners retained the power of saying whether or not religious instruction should be given. So that, in point of fact, there was no religious instruction necessarily given in those schools at all. There were 91,742 Protestant and Dissenting children in the national schools, of whom 83,742 were in the province of Ulster alone. That left 8,000 Protestant and Dissenting children to represent the mixed system in the other three provinces. Those 8,000 children were divided among 3,541 schools, which would give two and a half of those children to each school, and, as the attendance was only one-third of the number nominally on the roll, there was in reality less than one child to represent the mixed system in those provinces. Was it not preposterous, therefore, to maintain that the system was a success? Why the system was tolerated at all in Ireland was owing to the fact that the majority of the Catholics were the poorest portion of the population; therefore, to expect to establish a national system on the voluntary principle would be to expect an impossibility. It was not true, however, to say that voluntary efforts were wholly wanting. He had moved for a return, which, for some reason, was not given, of the money which had been voluntarily subscribed for educational purposes, his object being to show that it was entirely unfair and untrue to state that, whereas in England popular education was mainly supported by voluntary subscriptions, in Ireland it was entirely a matter of State aid. Three-fourths of the schools, or, as he believed, a greater proportion, had been built by the people themselves, while the State had not contributed a farthing; but in England vast sums were given to aid in the building of schools. But if the mixed system could be objected to on the grounds which he had stated, how much greater objection must there be to the model schools? The right hon. Gentleman (Mr. Cardwell) said the other night that it was understood in 1834, when these model schools were first suggested, that there should be twenty-six of them—one in each of the twenty-six districts into which Ireland was divided for educational purposes. But the schools had not been built in accordance with that understanding, some of them having been built close together. But if it were objectionable that children should be brought up in schools where all religions were mixed, the principle was still more objectionable in the case of those training schools where the persons were to be instructed who were to educate the rising generation. The Commissioners stated that religious differences bore more on the education of the teachers than on that of the children. There was a feeling in Ireland that it was perfectly useless to bring forward such matters, that Parliament was not disposed to extend the same consideration to the feelings and prejudices—if they would have it so—of the people of Ireland as to those of the English people. It was very unfortunate that such a thing should be constantly told to the people; but it would be still more unfortunate if the course which Parliament took should be such as could lead to no other possible conclusion. He hoped the opinions of the Government on the subject would not be long sanctioned by Parliament. He thought they had been deceived, and he was certain the more the subject was discussed the more clearly it was shown that it was impossible to combine literary and religious education in Ireland. He would conclude by expressing a hope that at no distant date Parliament would give such a declaration on this subject as would be in accordance with the feelings, not only of the Roman Catholics of Ireland, but also of their Protestant fellow subjects.

Mr. CARDWELL said, he would not enter upon a long argument with his hon. and learned Friend, who would, he trusted, not take the sense of the House on the Motion, but allow it to go into Committee of Supply. The hon. Member for the University (Mr. Lefroy) was an original member of the Church Education Society, and he desired to establish a claim on the part of that society to participate in the grants. But was the hon. Member prepared to concede the same claim to all other societies which could establish the same Parliamentary grounds, and which refused to recognize the infallibility of his opinion? If so, there was no alternative but a denominational system for Ireland. Did he, on the other hand, mean to say that the general principle of education in Ireland was to be analogous to that of the Irish Boards, but with one exception—namely, that the most wealthy religious body, with the smallest number of poor to educate, should benefit as against the poorest community, who had the largest proportion of children to educate? If the hon. Gentleman did not contend for the denominational system he had put himself out of court on the present occasion. The real truth was, that at the beginning of this century a Committee was appointed composed of dignitaries of the Establishment and men of the first consideration in Ireland, who recommended the application of this denominational principle. For a time that experiment was tried, but with so little success that in 1824 a very small proportion of children, and especially of Roman Catholic children, were under instruction, and a new Commission was appointed to inquire into the causes of that disappointment. That Commission made a Report, and in 1828, and again in 1830, seriously recommended to Parliament the adoption of their recommendations. In 1831 those recommendations were embodied in the memorable letter of the Earl of Derby, which was the foundation of the present system of education in Ireland. It had been stated that the education given in these schools was a secular education, and the Motion implied that religion was excluded from the common education of the school. That, however, was erroneous, for any one who would go into the schools, or read the popular works published by the Board, would know that that which was professed by the Earl of Derby at the beginning, and by Archbishop Murray and his colleagues in the earliest Report of the Board, was the principle of the system—namely, a common education in which all Christians could participate during school hours, and that during the other hours the patron of the school, whether Roman Catholic or Protestant, should have the fullest liberty to give his own instruction to the pupils, provided he did not insist on the attendance of those children whose parents objected. It was by adhering to that just and equitable principle that the complete failure of 1830 had been converted into a great and signal success. He should always insist that the increase in the number of schools, from a very few in 1830 to 5,600 schools in 1861, and those annually increasing, was a proof that Parliament had discovered the means so long desired of giving the greater portion of the poor of Ireland the benefits of a common Christian education and of separate religious instruction. He believed that the Earl of Derby had never at any period of his life departed from the principle he had laid down in 1831, and what at this day was the guiding principle of education in Ireland. It was said that the principle had been changed. The application of the principle might might wisely be changed according to the exigency of the times, but no one could contend that these two principles had been infringed—the imparting an excellent education during school hours to every denomination, and at other hours a distinctive religious education, which no child was to participate in against the will of his parents or guardians. These principles were adopted originally by the Roman Catholics. In 1840 the Presbyterians became attached to the Board. The Wesleyans followed in 1859. In 1860 the Primate of Ireland gave his accession to the Board in that memorable letter, in which he recommended the clergy, when they had the means of supporting their own schools, to do so, but to avail themselves when it was necessary of the assistance of the State. The House of Commons had distinctly supported the present system by decisive majorities; and he trusted that it would long continue to receive the support of Parliament and to diffuse the benefit of a sound and extended education throughout Ireland.

Sir HUGH CAIRNS said, he did not wish to prolong the discussion, or to prevent the House from going into Supply. But, as he had taken a course on the question not altogether the same as that adopted on his side of the House, he could not allow the observations of the right hon. Gentleman to pass wholly without notice. He had always confessed the great advantages conferred upon Ireland by the system of National education, with all its imperfections. He had, moreover, always felt the force of the argument constantly used by the Government against any change—namely, that the system was so nicely balanced that if disturbed in the slightest degree, for every scholar brought in, a dozen or two would be driven away—that he had always refrained from pressing any modification of the system. He had entertained no more earnest desire than to see whether, either by some alteration in the practice of the Board, or by the removal of the conscientious scruples entertained by those who were opposed to the Board, it would not be possible for the opponents of the present system to come in and acquiesce in the rules of the Board. In that state of things, after a number of the clergy, influenced by the advice of the Primate, had joined the Board, it occasioned no small surprise to find that the Government, who had declared again and again the utter impossibility of making any change in the system in favour of any party, effected some of the greatest changes ever made since the system was first established, almost without notice, and certainly without consultation with the persons interested. The changes he referred to were chiefly those in the constitution of the Board, in respect to the books used by the Board, and to the mode in which the system was to be applied to the nun's schools. Did the right hon. Gentleman the Chief Secretary for Ireland believe that, if the changes made since the letter of the Primate had been made before, that letter would ever have been written? After that letter a number of clergy gave in their adhesion to the system; but that process had since been checked, and it was perfectly vain now to hope that it would go on. So much, then, for the Established Church. He would next take the case of the Presbyterians, for the House had been misled by the right hon. Gentleman the Chief Secretary's statement that that body were firmly attached to the Board, approved the rules, and were satisfied with all that was done. Within the last ten days there had been a meeting of the General Assembly in Ireland, and a committee of that body reported that they had waited on the Chief Secretary in reference to these changes, urging that they entailed a departure from the original plan set forth in Lord Stanley's letter. Thereupon a motion was made for the appointment of a Committee of Vigilance, and the motion was unanimously assented to by the General Assembly. The right hon. Gentleman the Chief Secretary had also referred to the Methodists, who, in 1859, taking things as they then stood, put their schools under the Board; but they were now entirely of the same opinion as the Presbyterians as to these changes, which they deemed to constitute a radical alteration of the system of education, and which they considered ought to be watched with jealousy and anxiety. He believed that if these changes had taken place two years ago not one congregation of Methodists would have joined the Board. With regard to other portions of the populations interested in Irish education, he thought that a strong proof had been given in the course of these discussions that Protestant and Roman Catholic Gentlemen on both sides of the House were of opinion that the state of affairs in connection with the Board was anything but satisfactory, and he conceived that it would have been better for the right hon. Chief Secretary to have abstained from that triumphant and jubilant tone which he assumed when he proposed the present Vote. He sincerely believed the changes in question made by the right hon. Gentleman the Chief Secretary had thrown back for a quarter of a century the course of education in Ireland, and the chance of procuring a system acceptable to all parties.

MR. MORE O'FERRALL said, that as one of the earliest supporters of the system, he wished to address a few words to the House. He would take up the history of education in Ireland where the right hon. Gentleman the Chief Secretary had left it. He (Mr. O'Ferrall) was for a long time a staunch supporter of the Kildare Street system. But at length the proselytizing spirit grew so strong in it that he withdrew from it the schools that were under his care, and very generally the system was abandoned. In 1831 they had the letter of Lord Stanley, which proposed to establish a system of education in which there should not be a suspicion of proselytizm. The first step, however, in the carrying out of the new plan was to appoint five Protestant Commissioners and two Roman Catholics, to superintend the education of 7,000,000 of Roman Catholics and 1,600,000 Protestants. Then as to the books which were issued by the Commission, it should be borne in mind that they were compiled exclusively by Protestants, and in progress of time there had been sent out some books most objectionable to Roman Catholics—among others, the Archbishop of Dublin's *Evidences of Christianity*. It was only after a number of other circumstances had come to his knowledge that he found he could no longer place confidence in the system. Something had been said about the adhesion of the Presbyterians. That adhesion was given because a particular rule on which the Roman Catholics relied as a security against proselytism was mitigated and changed to obtain the support of the Presbyterians. The rule had been that when religious instruction was given children of a different religion should be obliged to leave the school; but it was changed so that it stood that no child should be forced to remain while religious instruction was given. The effect of that was shown in the return, which showed that a large number of Catholic children were receiving Protestant instruction in Protestant schools. Again, the evidence given before a Committee of the House of Lords proved that it was no uncommon practice under the altered rules to give Protestant instruction to the children in school hours. Further, it had been shown that the system had become completely a Government system, and was more under the authority of the Government than any other department of the State. The House and the country ought to be jealous of placing the whole of the education of the people in the hands of the Government; and yet with regard to education in Ireland the Government could do in that what he would defy them even to attempt in any other public department. It was also a matter of fact that, while the religion of the Scotch people was carefully guarded, and the schoolmaster in that country was obliged to take an oath that he would inculcate no doctrines at variance with those of the Church of Scotland, no such safeguard was provided in the case of the Roman Catholic or Protestant children who received instruction under the National System in Ireland. So far was that from being the case, it was, he believed, an undoubted fact that there were 1,200 children in Ireland being taught doctrines different from the religion professed by their parents. He had further to state that strong objections were entertained to the model schools which had been established by the Commissioners—or rather by the Government, for the Commissioners counted for nothing—on the part of Roman Catholics, and, he believed, on the part of members of the Protestant persuasion, these schools being vested in the Board, who appointed the masters and monitors, and who could introduce into them precisely such books as they pleased. Wherever the Government had put one of these schools the Roman Catholic Bishops had put a Christian Brother school, so that in many parts of Ireland schools were established on the voluntary system, supported by subscription, in order to counteract the effects of the Government schools, over which the Roman Catholics had no control. It might be well to teach the theory of agriculture in the parochial schools, but the Government, not satisfied with that, had got a model farm near Dublin, which was a curiosity in its way, for established facts were there treated as matters of experiment. The model agricultural schools and the model agricultural farms were sources of great expense. He should not object to the cost if the schools and farms conferred benefit, but they did not do so, because the boys were so well treated, their living was so good, and they were so comfortable in every respect, that they would never go back to the country. If they became stewards they were hard to please; but the fact was, he believed, that hitherto the pupils had all emigrated, and they had proved most successful emigrants. In reality, therefore, we were spending enormous sums of money for the benefit of agriculture, not in Ireland, but in America and other countries. The agricultural schools and farms, in short, were perfectly useless, and the best proof of their inutility was that the balance-sheet was always against the public. He could not help thinking that if the salaries of the parochial schoolmasters were raised, and if they were required to teach the theory of agriculture, the model schools and farms might be dispensed with. He was glad to see an inclination on the other side to admit—even the hon. Member for Dublin University had admitted — that there were such persons in Ireland as Roman Catholics. No Roman Catholic could object to Protestants being allowed to teach Protestantism in their own schools, and he for one had not the least objection that in Roman Catholic schools the Bible should be read under Catholic superintendence; he thought that would be a great advantage. But what he protested against was that a person of a different religion should expound the Scriptures to Roman Catholic children as he pleased, and not in a Roman Catholic sense. Churchmen, Presbyterians, and Roman Catholics should be allowed to teach their own religion to their own children, and all that the State had to do was to see that within the schools receiving Government aid the secular education was a good education, that nothing was taught prejudicial to the laws and constitution, and that loyalty and all the duties belonging to a good subject were inculcated by the masters.

LORD JOHN RUSSELL: Sir, as several hon. Gentlemen have alluded to me in the course of this debate, I may be permitted to say a few words. I certainly have maintained, with respect to England, that it is a great advantage to give a religious as well as a secular education to the poor, whether the schools are supported either wholly or partly by the State or not. That is a principle which I have always held; and, indeed, as a member of the British and Foreign School Society, I could have held no other. In England the National Church proposes reading the Scriptures in school daily. The British and Foreign School Society also proposes that the Scriptures should be read daily. The Wesleyans say that the whole of the Bible should be read. The Congregational and other societies say the same. The whole of these bodies, then, comprising the great majority of the people of this country, are in favour of religious education. The Established Church, it is true, think that the Catechism should be taught likewise; but all parties agree as to the general character of the religious education to be given in schools. I think it is a great blessing that it should be so in this country. The Scotch generally, whether belonging to the Established Church, to the Free Church, or to the United Presbyterian Church, teach the doctrines which are contained in the Shorter Catechism and the Westminster Confession of Faith. They, therefore, have the advantage of a religious education. Admitting, then, that a religious education is a great blessing, and maintaining, as I do, that education is not complete without it, the question occurs whether it is possible to adopt that system in Ireland. Towards the beginning of the century the Kildare Street Society, which taught the Scriptures, but not the formulas of the Church, was established in Ireland; but it was suspected to be a proselytizing society, and excited jealousy on that ground. My noble Friend Lord Monteagle then had a Committee of this House, in which he proposed means by which children of different religious persuasions should be brought together. The Report of that Committee was the foundation of the letter well known as Lord Stanley's letter, in 1831. I believe that letter contained the basis of the best system which could be applied to Ireland. It is said now, as in the Resolution before us—Why not allow religion to be taught in the schools? Meaning thereby that the religion to be so taught is to be taught to every child in the school. This raises the very great question whether you should have the denominational system in Ireland, as you have the denominational system in England. If you teach the Bible to every child that comes to a Protestant school, and if you assist that school by grants, you will violate every principle of equity if you do not give the same aid in the amount that would be required to Roman Catholic schools, where the religious education would be under the direction of the Church of Rome. Supposing that £280,000 were asked as a grant from this House you may safely reckon that about £200,000 of that would be given to Roman Catholic schools. Common fairness and equity would require that; but, on the other hand, when I have spoken to hon. Members of this House who were strong Protestants of the equity of such a division of the public money, they have pointed out that these Roman Catholic schools would be watched with extreme vigilance. I have no doubt that they would be watched with much vigilance. What would be the consequence? There would be no end of religious and sectarian controversy in this House with respect to the nature of the education given in these schools. Those who object to the grant to Maynooth—and I see an hon. Friend of mine opposite (Mr. Spooner) who has frequently brought that question before the House—would have much stronger objection if they saw so much as £200,000 more asked for Roman Catholic schools. I believe, therefore, the best way for peace—the best way for the instruction of the people of Ireland—is to persevere in the present system, according to the principles of Lord Stanley's Letter. The hon. and learned Member for Belfast (Sir Hugh Cairns) says that the Presbyterian body in Ireland are dissatisfied with what my right hon. Friend has done, and he referred to a proposition that there should be three Commissioners appointed by the State, of whom one should belong to the Established Church, another to the Wesleyan body, and that a third should be a Roman Catholic. Now, considering the proportion that Roman Catholics bear to Protestants in the population of Ireland, where would be the fairness of the Commission, being two-thirds composed of Protestants and only one-third Roman Catholic? a Commission formed to superintend the education of the poorer classes in Ireland, a much greater proportion of the poor than of the rich being Roman Catholics. I own I think such a Commission would not be applicable to Ireland. Seeing, as I am sorry to see every year, proof of the extreme keenness of religious feeling and jealousy of one another among parties of opposite opinions in that country, I know of no better system than that which is at present adopted. The right hon. Gentleman (Mr. M. O'Ferrall) who spoke last talked of 1,200 Roman Catholic children, being taught as Protestants. That, surely, could not be the case if ordinary vigilance were exercised by Roman Catholics. But I will state what my right hon. Friend has done. Formerly there were five Commissioners, of whom only two were Roman Catholics; what has been done is to appoint as Members of the Board ten Protestants and ten Roman Catholics. That number, I think, gives a security to both Protestants and Roman Catholics, and I own I should be very sorry to see any material change in the system. There are 800,000 children being educated under it. It is a system which has had to encounter rocks and shoals, but it has steered and navigated its course between them successfully; and I do not believe that a better system could well be adopted.

Mr. MONSELL said, he could not help thinking that the argument of the noble Lord, in reply to his right hon. Friend (Mr. M. O'Ferrall), was rather humiliating to that House. He said it was desirable to maintain the present system, considering the feeling of the House. He did not use the word; but his meaning was that the bigotry of that House would not consent to deal with the large majority of the people of Ireland who were Roman Catholics as they did with the Roman Catholic minority in England or any other religious denomination. How did the noble Lord answer the statement of his right hon. Friend? The noble Lord doubted whether the statement was true that 1,200 Catholics were receiving Protestant education in Protestant schools. But the fact was true beyond all controversy. The original principle laid down by Lord Stanley's letter, to which every snpporter of the system always appealed, and which had governed it during the first seventeen years of its existence, had been entirely diverged from. That principle was that every suspicion of proselytism should be got rid of. He warned the Government that, unless they recurred to that principle, it would be utterly impossible for them to maintain the system at all. The model schools, which cost £20,000, and in which the schoolmasters were trained who should educate the Irish people, were absolutely and entirely in the hands of the Commissioners. He protested against that as an encroachment on constitutional liberty. The Emperor Napoleon took similar measures, because he desired to control the minds by directing the whole education of the people. But it might be asked, had any harm occurred? He would quote the words of a gentleman who had given the most able evidence before the

Royal Commission—he meant the Rev. Mr. Blakesley, better known by his signature to the letters he wrote in *The Times*, as the "Hertfordshire Incumbent." Discussing the expediency of having a denominational system, or having a system from which particular religious doctrines were excluded, that gentleman said that while it was a pernicious thing that education should be separated from religious instruction, it was no less an error to suppose that if a school happened to be set up on that principle good could not proceed from such education as it furnished. The writer added—

> "The true description of such a system would be that so far as it goes it forces the rising generation to live upon the existing moral and religious capital, and thus tends to bankruptcy in some future generation."

If the natural tendency of the system was mischievous, they were justified in protesting against it, and in endeavouring to have it remedied. Three-fourths of the whole number of schools in Ireland were non-vested or separate schools, in which one religion was taught, but if one child of a different persuasion appeared, that child received the secular without the religious instruction. On the other hand, the training schools, where the masters were reared, were managed on a principle not in harmony with that on which the non-vested schools were conducted, but rather in harmony with the principle of the vested schools, which formed only one quarter of the entire number. He must thank the right hon. Gentleman the Chief Secretary for Ireland for the changes he had already made in the system. The hon. and learned Member for Belfast (Sir Hugh Cairns) had stated certain objections to those changes, but with all his acuteness he had not assigned any grounds for them. For himself, he desired to see those changes carried further, by putting the model schools in harmony with the majority of the other schools. The model schools were now entirely under the control of the State. The same was the case with the Queen's Colleges, where there was hardly a pupil who was not paid for being in those institutions. The length, in fact, to which State interference was carried in Ireland ought to arouse a wholesome constitutional jealousy against its further progress; and what he asked was that the Government should treat the people of Ireland in the matter as they treated the people of England.

SIR GEORGE LEWIS: Sir, the complaints made by my right hon. Friend who has just sat down resolve themselves into this—namely, that we do not extend to Ireland, with regard to the educational grant, the same principle which is acted upon in England. Let us examine the justice of that complaint. I do not understand my right hon. Friend to say that he thinks the denominational system, as practised in the administration of the Privy Council grant in England, should be applied to Ireland. The substance of his complaint was that in certain particulars the rules laid down at the commencement of the Irish educational system have been deviated from. That is a question essentially of detail, and I can only say on the part of the Irish Government that it is not admitted that there has been any material deviation from the original character of the system. My right hon. Friend argues that the State unnecessarily interferes with the administration of the grant in Ireland, and that such interference is unconstitutional. Now, is there really the smallest ground for maintaining that there is any difference between England and Ireland in this respect? Is not the grant for education in England entirely under the control of the Privy Council? It may be true that the system on which that grant is administered differs from the system on which the Irish grant is administered. In England the system is denominational, in Ireland it is not; but the interference of the State is neither greater nor less in the one country than it is in the other. [Mr. MONSELL: No!] My right hon. Friend may say "No," but I defy him to show that the expenditure of the English grant is not followed out into the most minute details by the Privy Council. If my right hon. Friend had been present when my right hon. Friend the Vice-President of the Educational Committee of Privy Council made his statement, he would have heard that as regards every payment the Privy Council sends the money, and sees that it reaches the individuals for whom it is intended. I say, then, that a more minute interference than that exercised by the Privy Council never existed. [Mr. MONSELL: It does not interfere with the teaching.] I maintain that not only does it interfere, but that it is bound to do so, and that where we vote public money we must see that it is administered by persons who are responsible to Government and to Parliament. As guardians of the public purse we should neglect our first duty if we made large grants and then gave them to irresponsible individuals to be administered at their discretion. What, therefore, my right hon. Friend calls unconstitutional I maintain to be strictly constitutional, and also to be the established and invariable practice in England no less than in Ireland.

Mr. BUTT said, that with the permission of the House he would withdraw the Amendment.

Mr. HENNESSY said, he wondered at the hon. and learned Member taking this course; his proposition was so simple, so easily understood, and so true. He must object to the Amendment being withdrawn.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 36; Noes 6: Majority 30.

Main Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee,

Mr. Massey in the Chair.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £185,377, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Public Education in Ireland, under the Commissioners of National Education in Ireland, to the 31st day of March, 1862."

Mr. W. WILLIAMS said, that there were various items in the Vote, for which the public ought not to pay. He particularly referred to the sums asked for music-masters and agricultural schools. There were more than two agricultural schools in every county in Ireland, seventy-four in all. Now, he admitted that agricultural schools would be of great advantage in England, but it was unjust to apply the money of the English ratepayers for the maintenance of such schools in Ireland. He should, therefore, move the omission of the item (£13,000), not that he would grudge it to give education to the Irish people, but he should not assent to such a Vote to spare the pockets of the Irish landlords, who were the persons who would be advantaged by the improvement of agriculture, and ought to pay for it.

Mr. MONSELL said, the right hon. Gentleman the Home Secretary had stated that there was the same amount of Government control over the model schools in England that existed in Ireland. In opposition to that statement he would refer to the evidence of Dr. Lingen, who affirmed that a "central office which undertook to educate the people, appointing and dismissing the schoolmasters and managing the schools by its own offcers, would be an intolerable system in England." Yet that was the system followed in Ireland.

Mr. MAGUIRE: I rise in pursuance of a notice which I placed some months ago on the paper—namely, to call attention to the inadequacy of the payments to national teachers in Ireland, and to the necessity of making provision for teachers incapacitated through age or ill-health. I shall confine myself strictly to the scope of my notice, and not refer to the broader subject of the particular system of education which now exists, or the principles on which it is based or carried on. At the close of last Session I entered fully into the questions of the mixed and denominational systems of education. To what I said on that occasion I have nothing to add, and nothing has occurred since then to alter or modify the opinions which I then expressed. I cannot, however, avoid congratulating the friends of the denominational system upon the extraordinary advance which their course has made, as evidenced conclusively by the almost unanimous testimony borne to it this night by Irish Members at both sides of the House. The immediate subject to which I now solicit the attention of the Committee is one of the very greatest importance. It does not merely concern the interests of the national teachers of Ireland, although there are 5,636 in number, but it involves the well working of the entire institution. Whatever th nature of an educational system may be, all will admit that it cannot prosper unless the teachers, those who love to bear the heat and burden of the day, are comfortable and contented with their position. Unless the teachers are of a superior character, and able to devote all their energies to the prosecution of their work, it is impossible that any system can be effectually carried out. It is not to the able or wise management of a central department that a great educational institution owes its success—it is to those whose duty, whose exalted duty, it is to impart instruction to the youth of the country. If the National System does ever take root in Ireland, and lays hold of the affections of the people of that country, the result will not be owing to the Commissioners or to the inspectors, but to the village teachers. In Ireland the village teachers are divided into three classes, and each class is further divided into different grades. I now speak of the male teachers, who number 3,141 in all. The first class consists of 423, the second, of 972, and the third of 1,746. The first class, consisting of 423, are paid, on the average, from all sources, the sum of 18*s.* 9*d.* per week. The second class, consisting of 972, are paid, from all sources, an average of 14*s.* a week. But the third class, which consists of 1,746, are only paid an average of 10*s.* 3*d.* a week. That is the average; but of this 1,746, there are 812 who receive only £18 a year from the State, and about £5 a year from all other sources; and those two sums put together make but £23, or a fraction over 9*s.* a week. Now 9*s.* a week is the average rate of wages paid to an ordinary labouring man in the neighbourhood of any large town or city in Ireland; and yet this is the payment which is awarded to the teacher, to whom is entrusted the duty of instructing the youth of a country. I need scarcely add that the condition of the vast majority of the national teachers of Ireland is and must be one of constant humiliation, and that so far from being happy and contented, they suffer galling poverty and bitter privation. The remuneration of teachers in England is quite different. The average payment of the Irish male teacher, from all sources, is about £31 11*s.* 4*d.*, and of the Irish female teacher £27 12*s.* But in England the average salary of a male teacher is £94 3*s.* 7*d.*, and of an English female teacher £62 13*s.* 10*d.* More than 60 per cent of the English male teachers enjoy free residences, and the English female teachers have over 50 per cent of the same. By the Scotch Parochial and Burgh Schools Bill, now before the House, it is provided that the *minimum* salary given to schoolmasters is to be £35, and the *maximum* £70. This payment is not to include fees; and I have been informed that the average salary of the Scotch schoolmaster will be about £80. Not more than 6 per cent of the Irish teachers possess a dwelling rent-free, while, as I have said, the majority of English teachers enjoy that important privilege; and in Scotland the rule is that every teacher shall have a house with three rooms, besides a piece of land. Out of their miserable pittance the Irish teachers have to provide themselves with a house, in most instances a cabin, or hovel, while I could mention cases where they are compelled to repair to the school-house. I have shown the rate of payment in England and Scotland, and I shall now quote a passage from the admirable work of Mr. Arnold on *Popular Education*, which has been published by the Royal Commissioners in their Report, showing how teachers are dealt with in Holland—a country which can bear no comparison with this, whether in population, wealth, or importance. Mr. Arnold says—

> "M. Cuvier justly thought one of the grand causes of the success of the Dutch schools was the advantageous position of the schoolmasters. Municipalities and parents were alike favourable to them, and held them and their profession in an honour which then probably fell to their lot nowhere else. Hardly a village schoolmaster was to be found with a salary of less than £40 a year; in the towns many had from £120 to £160, and even more than that sum; all had, besides, a house and garden. The fruits of this comfort and consideration were to be seen—as they are remarkably to be seen even at the present day—in the good manners, the good address, the self-respect, without presumption, of the Dutch teachers; they are never servile, and never offensive."

The Royal Commissioners, in their valuable Report, thus describe their idea of a teacher's natural qualifications for his task—

> "It is a life which requires a quiet, even temper, patience, sympathy, fondness for children, and habitual cheerfulness."

If the Irish national schoolmaster were so fortunate as to possess "a quiet, even temper, patience, sympathy, and fondness for children," is it possible that he could preserve "habitual cheerfulness" upon nine shillings a week? More than 50 per cent of the national teachers are married, and it is to be presumed that many have large families; and it need scarcely be said that the burden of a family adds much to the privations caused by an insufficient income and false position. For the teacher is compelled to keep up a certain appearance. He is generally about the third person in importance in the country village; and while, in many instances, his pay is little above that of the day labourer, he cannot dress as the labourer does—he cannot afford to wear a broken shoe, or a tattered coat, or to appear in the same coarse garb of which the working man is not ashamed. Indeed, it is a fact that were they to dress in what might be considered an unbecoming manner, they would be remonstrated with. I may give a case in illustion of what I state. A teacher—one of those, I may mention, whom I had the honour of introducing to the noble Lord at the head of the Government—informed me that he was engaged on one occasion, after school hours, in giving instruction to some of his pupils in elementary horticulture; and previously to going into his little garden he prepared himself for its mud and clay by putting on a pair of old shoes and an old coat. One of the head inspectors, Mr. Kavanagh, happened to be passing by, when his attention was called to the manner in which the teacher was employed. Mr. Kavanagh justly complimented him upon the manner in which he was thus engaged, but remonstrated with him in private upon his appearance. The head inspector told him that if he dressed in that way he would run the risk of losing the respect of the children, and thus impair his authority, and that he in his own person ought to set an example of neatness for his pupils to follow. Now this teacher happened to be placed in an exceptional position, for he was in the receipt of something like 16*s.* from all sources; but what an insulting, heartless mockery such a reproof, however kindly meant it was in the case of my informant, would have been had it been addressed to one of the 812 teachers who, from all sources, are only in receipt of 9*s.* a week. Before going further, I may say, in referring to Mr. Kavanagh, whose name has been referred to before this evening, that the Board never possessed an abler or a more zealous servant than this gentleman; and that in all that he has done since the hour when he surrendered his lucrative office, for motives that did him honour, nothing has ever occurred in any way unworthy of him as a man of upright and independent character, or inconsistent with the duty which he owed to himself, his religion, and his country. The same teacher informed me of a fact which helps to exhibit the rate of wages now given to labour, even of the rudest kind, especially in the neighbourhood of towns. Attached to his school, he had a piece of ground, given to him, I believe, by the patron. This ground he could not cultivate himself, and he employed a common labouring man to plant it with potatoes, and for that task he had to pay his labourer at the rate of 10s. a week. But suppose, instead of having 16*s.* a week, this teacher had only 10*s.* or 9*s.* a week, only imagine the educated, cultivated, and trained teacher of youth paying for this rude and unskilled labour more than he received for the discharge of the most important and responsible duty with which a man can well be entrusted. There is evidently something wrong in the whole system, as proved by the small percentage of attendances as compared with the number of children on the rolls. Why is this? Because the heart of the teacher is not, in many instances, in his work—because he cannot be contented with his position—and because in some instances he is not of the class to be able to acquire influence over the children, and secure their punctual attendance. I wish to add to the just authority and influence of the village teacher; and I cannot do that more effectually than by raising his condition, and making him contented with his lot, which he cannot be so long as he receives the wretched remuneration to which I have described. Now, the cost of management is proportionately greater in Ireland than in England; and instead of the sums granted by Parliament going to the teachers, whose condition ought to be improved, they are wasted and frittered away on most questionable objects. I have been assured that the estimate now before the Committee is not the estimate which was prepared by the Commissioners, and sent by them to the Treasury—which department, I am happy to say, does exercise a salutary control over this expenditure. The right hon. Gentleman the Irish Secretary can set me right if I state what is incorrect; but I have been given to understand that the Commissioners asked for a much larger sum. This increase was for the purpose of adding something like 30 or 40 per cent to the salary and other charges for the inspectors; but these 66 gentlemen are largely and liberally paid at present, and I certainly will not consent to add one farthing either to their salaries or travelling expenses until full justice is done to the teachers, who form a more important body than any other under the Board. I must admit that the cost of management is much greater relatively in Ireland than it is in England, as I shall proceed to show. In England the expense of inspection is £43,164, and of the central administration £16,776, making a total of £60,000, within a fraction. This on the whole sum just voted by Parliament for education in England—namely, £724,000—is 8½ per cent, or one-twelfth of the whole. Let us now turn to Ireland. The expense of inspection there is £22,840, and of central administration £14,319, or a total of £37,159. Thus, on a gross sum of £285,376, is 13 per cent, or one-eighth of the whole—showing that the expense of management in Ireland is not very far from double what it is in England, and I am sorry to say the result of this system of education, which is managed at such cost, is not by any means so flourishing as the right hon. Gentleman has represented it to be. Nearly half the children on the roll have not got beyond this book (the hon. Member here held up a little primmer). This is the *First Book of Lessons;* and I shall read one or two exercises or questions from it—about the deepest problems it contains. One of these grave questions is, "Do pigs chew the cud?" Another is, "Can a foal pull a coach?" These, no doubt, are interesting enquiries, and calculated to develop youthful intelligence; but this is the *maximum* amount of intellectual acquirement that nearly 50 per cent of the children in daily attendance arrive at, and this certainly is no splendid result. Such a state of things is not to be found in the schools of the Christian Brothers, which schools, happily for the cause of education, are now scattered through the country. This grand result contrasts most unfavourably with the proficiency of the pupils in the schools I allude to, in which I venture to say scarcely one-tenth of their pupils would be found so backward. My remedy for this is to raise the condition of the teacher, to give more interest in his work, and to enable him to exercise more control over the attendance of his pupils. There is one fact in connection with this subject to which I desire to draw special attention, and that is the great proportion of teachers who, having been trained at the cost of the State, have left the profession, and either emigrated or sought more remunerative employments. The number of teachers who have been trained is about equal to the number now on the roll—that is, 5,636. These include 1,151 who are classed as "probationers." The number of trained teachers now employed under the Board is 2,791, whereas the number of teachers not trained is 2,845. Where have the rest gone? A small percentage of them have died, and a few perhaps may have found their way to the workhouses; but the great majority have emigrated, or have found other avocations. The State has lost, or expended, something like £100 by the training of each of these teachers with no possible advantage to the public, though it was certainly of great advantage to the individual to have received such a training. The remedy for this is obvious. If they are better paid they will have the best inducement to remain in the service; but now they are ready to yield to every temptation to leave, and to carry their education and intelligence to other countries. I have referred to the payment which the Irish teacher receives from other sources as being an average of £5 a year in each case. I am quite aware that the State grants to the Irish teacher a larger sum in proportion to his gross income than it does in the case of the English teacher, and that the amount given from school fees and other sources in England is vastly greater than it is in Ireland. This I must frankly admit. But I must, in explanation, take the marked distinction between the circumstances of the two countries—the one a rich country, with abundant employment for its labouring population—the other a poor country, whose population are mostly dependent on agriculture for their means of existence. Now, though an average of £5 or £6 from all local sources, as supplementing the payment given by the State, may seem a small sum in English eyes, it is not so in Ireland. It may be asked, why should not the funds from local sources be increased? My answer is that any attempt to increase them in many instances might be attended with great inconvenience, and only defeat the object which all would have in view—that is, to increase the attendance of the children. Let hon. Gentlemen remember that the education thus offered by the State is not intended for the children of those who are able to pay, but for those who are but little raised above the rank of actual poverty. Thus, for instance, the larger number of the children who attend the village school are the children of the cottiers and day labourers—men whose ordinary pay is about a shilling a day. Now, it is not at all times that the labourer is employed. It is true his labour is in requisition when the sun shines, and when the weather is dry; but there are weeks and months when, from the severity of the season, there is no demand for his rude labour. I ask, supposing a poor man of this class have three children of an age to be sent to the National School, could he afford to pay 3*d.* a week for their schooling? It would be a cruel and wicked rule which would attempt to exact it. In the schools of the Christian Brothers, and in the schools of the Presentation Monks not a farthing is asked from the children; and yet while the daily attendance in the National Schools is not more than 45 per cent of the number on the roll, the difference between the number of children on the roll and in daily attendance in the schools of the Christian Brothers is a mere trifle—nothing like 10 per cent of the whole. I should myself like to see the teachers better supported by the locality; but I must be content to wait for a much greater improvement in the condition of the country before I can expect any marked increase to the local contribution towards the salary of the teacher. But what is the teacher to do in the mean time. Is he to starve on a miserable pittance?—is his mind to be distracted with the mean and sordid cares which want and misery bring in their train?—is he to be kept in his present position of galling humiliation and hourly privation? With the increasing cost of the necessaries of life, and the inexorable law of gentility which compels him to wear a better coat than his neighbour, how is it possible that the teacher can exist on 9*s*., 10*s*., or even 12*s*. a week. In most countries of Europe, a teacher is required to pass only one examination to qualify him for his position; but for every grade an Irish teacher rises he has to pass a fresh examination. I do not object to this if the teacher is well paid. But if he is compelled to undergo new examinations he must have time and leisure for self-improvement, or he can never rise above his first position; and how, after having spent his day in the hard drudgery of his school, can this poor man, whose mind is distracted by the constant presence and pressure of want, be expected to devote himself with energy to the task of self-improvement? or if his life is to be one continued exercise of his intellect, in his school and out of his school, surely he is entitled to something better than his present wretched remuneration? I have shown how numbers of teachers have quitted the profession after having been trained at the expense of the public. In France I find that the same course is producing the same result. But in France more honour is paid to the teacher than in Ireland. In France the Government gives the teachers crosses and decorations and braided coats; yet I mistake not if the French teacher would not prefer a little less honour and a little more pay. In Ireland the teacher has no honour whatever and a very miserable pay, so that his fate is far worse than that of his French brother. Mr. Arnold, in page 150 of his Report has this most important passage—

> "At present the lay teachers in France tend to quit the profession as soon as they can for some more profitable career; if it were not for the inducement offered by the exemption from military service, it would be difficult to recruit their ranks. It is in vain that the State offers to them the lure of honourable mentions, medals of bronze and of silver, and even the rank of academic officer, with the privilege of wearing an official coat, with a palm embroidered on the collar; these public distinctions to the teachers are excellent but they are of no avail so long as he is utterly underpaid."

Poor Irish teachers get no decoration. They wear no crosses on the breast. In this case, such decorations would be a bitter mockery. The only cross bestowed upon them is the heavy cross of poverty—and that cross they have too long borne. The only other point to which I shall now refer is the necessity for some adequate provision for the teacher when incapacitated by old age or ill-health. There is provision made for the worn-out horse, but none for the worn-out teacher in Ireland. The gentleman sends his old horse to spend the rest of his days in a rich paddock, but the teacher has no resource save the charity of his friends or the workhouse. The only provision for the national teacher consists in this—that in some instances a sum is given equal to one or two years' salary; but when that is eaten out, as it must be in two years, there is no resource left but starvation or the workhouse. Now I have a case painfully in point. There is a teacher who, with his wife and six children, is now an inmate of the Manorhamilton Workhouse, in Ireland. This unhappy man was a teacher for thirty-seven years of his life, seventeen of which were spent in the service of the Board. In 1858 the Commissioners granted him a sum of £51. That was equal to about two years' salary; but when that was consumed, which it necessarily was in that time, he was compelled to betake himself to the last refuge of the destitute—the workhouse. Now, that is a sad conclusion to a life of labour in the public service. No class in the community is entitled to greater sympathy than the worn-out teachers. They cannot become mechanics in their old age, and their avocations have utterly unsuited them for rude labour; so that they positively have no other resource save that of the workhouse, if they are not to rot on the road side. I do not ask, in the name of the teachers of Ireland, that anything shall be done for them this year more than whatever is proposed in the present Estimates; they are quite willing to wait one year more, confident in the justice and compassion of Parliament, and in the belief that Commissioners will be emboldened to make such a fair demand in their behalf, in the Estimates of next Session, as will help to place them in a position in which they may be able to prosecute their onerous duties without the pressure of the same cares and anxieties which now harrass their minds and depress their spirits. For my part, I have no apprehension whatever of increased Votes for education. £50,000 or £100,000 more, whether for England or Ireland, is a matter of no possible moment, and ought not to cause the slightest objection in the mind of any hon. Gentleman. We never hesitate to grant one million, or two millions, or three millions, for warlike purposes, to build new ships of war, or, as the phrase is, to remodel the navy; and yet we must admit that from such an outlay very little advantage results to the country. But every shilling expended in education brings its own fruit in the greater intelligence of the people. On the score of the strictest economy, as well as for the best interests of education, it is absolutely necessary that the teachers, upon whom success of any system rests, should be better paid than they are. I now only ask for an expression of sympathy in the object of my notice from the Committee; and I shall only say, in conclusion, that nothing would tend more to render an educational system useful to the Irish people than by enlisting the earnest energies of its teachers, and giving to them that legitimate influence and control which will always be exercised by men whose heart is in their work; and I do not believe that the Government will next year have any difficulty in obtaining from Parliament whatever additional sum may be necessary to enable them to do justice to so meritorious a class of public servants as the National Teachers of Ireland.

Mr. DAWSON said, the whole vitality of the system of education was involved in the character and condition of the teachers. He had listened carefully to the observations of the hon. Gentleman who had just sat down, and from his local knowledge he was able to say that there was nothing in his able statement which was at all overcoloured or exaggerated. It had been shown that the average pay of a schoolmaster was only about 10*s.* a week, and there was no ground to expect any increase in the amount now supplemented by private liberality. Where the national system was accepted it was considered that public education was the duty of the State, and the duty of providing funds, therefore, devolved upon Parliament. He believed that if they could instil feelings of satisfaction into the minds of the teachers they would do more to establish public confidence in the system than by any reconstruction or expensive alterations that could be devised. He admitted that the right hon. Gentleman had done much to improve the condition of this deserving class, and if he went further in that direction he would be repaid tenfold by the additional proficiency which the teachers would exhibit.

Captain JERVIS said, he agreed that the system of promoting teachers by removing them to another school in a more important district was the bane of the national system. He maintained that the cleverest teacher was wanted in the most barbarous districts. In 1858 the Commissioners reported that in Donegal there were seven teachers in places where the whole amount of local contribution was 7*s.* to each teacher. One teacher on Tory Island was almost starving. The Commissioners reported that some teachers were wholly incompetent, and the people of the district, although anxious to learn English, could not obtain instruction. A schoolmistress who had given great satisfaction was removed from the place where she was useful to Belfast, where there was no want of experienced and able teachers. He hoped the right hon. Gentleman would consider that point.

Mr. LONGFIELD said, he felt considerable reluctance in pressing upon the Government the necessity of increasing the education grant, not because he did not think the teachers were well deserving of an increase of pay, but because it appeared to him that if the amount annually voted by Parliament were properly applied there would be no need for an increased demand. There was lavish extravagance in the application of the funds. A sum of £500 or £600 a year was voted for drainage and permanent improvements of a farm of 170 acres, and yet after seventeen years the only return was the "probable produce of £1,600," which had been held out for the last ten years. He could not help thinking that the system had been maladministered, the proof being that while they had multiplied the number of schools the number of scholars had been diminished. The result was that they had only multiplied the number of pauper schoolmasters, and that the best men were leaving the Irish National Schools. They had been recommended to make a provision for their old age by the aid of deferred annuities; but how could schoolmasters in the receipt of these miserable pittances spare any money for the purpose? He thought the Commissioners had put into their book of extracts the sketch of an Irish clergyman who was "passing rich on £40 a year." So struck did they seem to be with the picture that they had strenuously resolved that the pittance of Irish schoolmasters should never exceed £40 a year, though a century had elapsed since Goldsmith wrote *The Deserted Village.*

MR. MORE O'FERRALL said, he agreed that there were items in which a saving might be effected. For instance, he found a Vote of £100 for a classical teacher to instruct the teachers. But what did they want with classics? They surely formed no part of the scheme. It appeared to him that there were many items in which they might make reductions, and thus obtain funds to increase the salaries of the teachers who needed it so much. If, after they had introduced all the economies they could, anything more was needed, he felt certain that Parliament would vote the balance with the greatest readiness.

MR. SEYMOUR FITZGERALD said, it was clear that the contentment and efficiency of the masters were the conditions of the success of the system. It appeared that there were on the Normal establishment two professors employed as training masters, who lectured on the "English language and literature, history, geography, mathematics, political economy, and natural philosophy." When the teachers were educated in these high branches of knowledge Parliament gave them on an average the sum of 11*s.* 9*d.* per week. It was clear that if the teachers learned all these things they were worth more than 11*s.* 9*d.* per week, and that if they did not the professors were not necessary in order to teach them. He agreed with hon. Members who thought that if the Vote were wisely administered the teachers might obtain an increase of salaries.

MR. W. WILLIAMS said, he sympathized with the hon. Member for Dungarvan in the appeal he had made in behalf of the schoolmasters; and he believed there were abundant means of bringing about reductions by which their salaries might be increased, without calling on the House to augment the gross amount of its grant for Irish education. He begged to move, therefore, that £13,000, the item for the agricultural schools, be omitted; and if he carried that Amendment, he would hereafter propose a Resolution affirming that the Vote for masters ought to be increased to that extent. He also had to complain that the amounts asked for building schools were put under the head of the Board of Works, when, in fact, they were an addition to the educational Vote.

MR. AUGUSTUS SMITH said, he thought that the same was the case with regard to the grant for the reformatory and industrial schools. It appeared under another head. With regard to the payment to the Irish teachers, it should be remembered that all they received came out of the public purse; whereas in England a large proportion of the salary was raised by voluntary effort. He desired to call the attention of the Committee to the great increase which had taken place in that Vote. In 1848 it was just £120,000, while now it was over £285,000. That seemed to him to be an enormous increase. One feature of the increase was the great additional cost of management, which in a few years had more than doubled. With regard to the district model schools, he was afraid they were doing in Ireland what had been done to a considerable extent in England—namely, that they were giving education to classes for whom it was never intended, and who were fully able to pay for their own education. He understood that very few of the students in the model schools were of the poorer classes. Indeed, he had been informed that the children of magistrates were pupils in some of them.

MR. CARDWELL said, that the office in Dublin had been the subject of inquiry by a Commission from the Treasury four or five years ago, and the amount of salaries paid was the result of that inquiry. The Votes for reformatory schools in both England and Ireland were taken separately from the education Vote, because they were considered to come under the category of crime. The reason why the amount for building schools was not in that Vote was that that work was under the direction of the Board of Works, and, therefore, was considered to come properly into the Vote for the expenses of that Department. He would now pass on to the main subjects—namely, the expenditure on model schools, the expenditure upon district agricultural schools, the expenditure upon the school at Glasnevin, and the small remuneration afforded to the schoolmasters. It was contended that the expenditure on model schools should not be increased. If that were the proper opportunity, he should be most ready to add his humble tribute to the admiration which such schools as those in Marlborough Street and Belfast elicited from all visitors; but, as the expenditure on the model schools had grown very considerably, he thought it would be much more satisfactory that no further engagements should be made by the Commissioners with respect to the model schools in any district in Ireland without first obtaining the sanction of the Government, so that they might have the opportunity of submitting the matter to that House before any decision was come to. With respect to the agricultural schools, the Government acknowledged that the opinion of the House had been expressed to the effect that the expenditure of those schools had gone beyond a proper amount in Ireland, but the benefit they had conferred on the country ought not to be forgotten. Immediately after the famine there was a very great desire to extend agricultural improvement in Ireland, and every one was desirous of taking advantage of the favourable opportunity to establish agricultural schools to teach the people improved agriculture. He believed that great benefit had been the result. But, again, he had the satisfaction of saying that Government had anticipated the feeling expressed to-night in desiring to reduce the expenditure on agricultural schools, and there was a decrease of four model and four ordinary schools since last year. Then, with regard to Glasnevin, he drew the attention of the Commissioners of Education to the importance of giving rewards as an incentive to education through the whole 5,000 schools in Ireland, and accordingly a system of prizes had been adopted, by which the best pupils were brought up to Dublin for rewards, and a great stimulous was given to education through the whole country. He now came to the question of the salary of the schoolmasters. He cordially sympathized with every word which had fallen from the hon. Member for Dungarvan and others, and it would be seen that already something had been done to promote the comfort of the schoolmasters, for in the present Estimates there was a considerable increase for their benefit. Their position had been contrasted with that of the schoolmasters in England, but it must not be forgotten that when the system in Ireland was originally commenced, it was laid down in Lord Stanley's letter that the amount intended for the salaries should be locally secured. That principle, however, had been entirely departed from, and the House was now asked to vote no less than £180,000 for the salaries of schoolmasters. If it were attempted to contrast the salaries of teachers in Ireland with those in England, it must be borne in mind how large a part of the salaries of English teachers was derived from local sources. It could not be supposed that the whole of the £90 which they received was derived from the State; it was largely composed of the fees from scholars and contributions given by landed proprietors in aid of the schools. And if the hon. Gentleman called in aid of his argument the Scotch Parochial Schools Bill, under which each schoolmaster was to have a *minimum* of £35 and a *maximum* of £70 yearly, he must remember that those were payments mainly to be made from a charge upon land voluntarily imposed, and not from money obtained by a Vote of that House. He was sure the Board of Commissioners would be most anxious to ameliorate the condition of the teachers to any extent which they believed would receive the sanction of the Government and of the House of Commons. They had already shown their interest in the subject in a practical manner, but in preparing the Estimates they were obliged to bear in mind their growing magnitude, and not to extend them more rapidly than they believed the liberality of Parliament would warrant.

MR. BUTT said, one of the principal objections to the present system was that the Commissioners were doing all they could to get the whole management into their own hands. They were asked to Vote £280,000, and there was another vote of £60,000, making £340,000 in the hands of the Commissioners, which was nearly equal to the whole parochial income of the clergy of the Established Church. He felt that upon careful revision an abundance of items could be pruned away, which would in the aggregate yield an amount sufficient to meet the legitimate claims of the masters. He referred to various items, especially in connection with agricultural schools and the cost of inspection, which he regarded as excessive, and said that the lavish expenditure under these heads and the special gratuities given to particular pupils looked as if the object which the Government had in view was to bribe individuals into supporting a system which was alien to the feeling and spirit of the country. He asked for an explanation of the item of £10,000 introduced into the Estimates this year for the first time for "navigation schools;" as he believed that demand was a further step towards extending the control of the Commissioners to purposes of education with which it was not originally contemplated they should have anything to do.

Mr. MONSELL said, he believed no Member on either side of the House had any intention of demanding an increase of the Vote for the purpose of augmenting the salaries of teachers; but many, no doubt, thought the salaries might be increased by a redistribution of the present Vote. The expenditure on model schools, for instance, was excessive. They had been established in towns where ample educational qualities already existed, or would have been provided without Parliamentary assistance. He could corroborate the statement, that persons by no means in the poorest classes availed themselves of the advantages afforded by these Government establishments, and he wished to express his belief that the real object of the system, which was to provide for the education of the humbler Irish, had in many cases been lost sight of. Local contributions, where they could be obtained, he regarded as of the utmost value, because they interested the donors in the school, and led to their exercising a watchfulness over it which other inducements would fail in inducing them to do. The Christian Brothers' and the nuns' schools were the best in Ireland, because religion was an important point with those bodies, and it would be well to see if the same principle could not be brought to bear upon the model schools.

Mr. CARDWELL explained that the increase of £600 upon the item for navigation schools was caused by increased facilities being afforded for learning navigation.

Mr. W. WILLIAMS said, he must persist in his Motion to reduce the Vote by £13,000—the sum asked for agricultural schools.

Viscount PALMERSTON said, that if there were any species of instruction which more than another was useful to the people of Ireland it was training in the principles of agriculture. He hoped, therefore, his hon. Friend would not object to Vote the sum necessary for the purpose. Even if the whole of the £13,000 was distributed, as some were preferred to advocate, in increasing the salaries of the schoolmasters, very little would, after all, have been effected in that direction, inasmuch as according to the statement which the hon. Member for Dungarvan had made to him, when he waited on him at his own house, a sum of £50,000 would give those schoolmasters an average increase of salary of only 14*s.* a week.

Mr. W. WILLIAMS contended that the £13,000 would not in the slightest degree benefit the people of this country, or, in fact, anybody else, except the landlords of Ireland.

Viscount PALMERSTON said, he must remind his hon. Friend that the promotion of the wealth and prosperity of the people of Ireland ought not to be a matter of indifference to the English people.

Motion made, and Question put,

"That a sum, not exceeding £172,377, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Public Education in Ireland, under the Commissioners of National Education in Ireland, to the 31st day of March, 1862."

The Committee *divided*:—Ayes 9; Noes 98: Majority 89.

Original Question put, and *agreed to.*

(2.) £155,000, Redemption of the Stade Toll.

Mr. PEEL said, he had to propose a Vote of £155,000 for the redemption of the Stade Dues. A treaty had been entered into with Hanover under which that country extinguished these tolls, and was to receive the capitalized value, calculated according to a certain basis of the revenue which she derived from them, and the sum so to be paid to her was to be divided in certain proportions between this country, Hamburg, and other countries trading up the Elbe. It was not necessary to enter into a lengthened explanation as to those tolls, as the whole subject was carefully inquired into by a Select Committee of the House so lately as 1858. The toll was one of a very ancient character, having been levied by Hanover since 1720, and this country had recognized the right of Hanover to levy it by entering, in 1844, into a treaty with Hanover on the subject. Under that treaty it was agreed that the toll to be levied on all ships passing up the Elbe should be at the rate of 5*s*. for every £100 value of freight. In the year 1858 a Committee of the House of Commons which inquired into the subject reported that the toll was injurious to the trade and commerce of this country, and pointed out that certain articles produced in England were exposed to disadvantageous competition with similar articles the production of other countries, in consequence of the latter finding their way to Germany by other channels than the Elbe. The Committee further showed that our shipping was, by the operation of these tolls, subject to an unfair competition with the vessels of Hamburg, and they recommended that the Treaty of 1844 should be put an end to. That could be done by notice, but the legal authorities whom the Government consulted were of opinion that if they terminated the treaty they would not exempt themselves from liability to the toll. Under these circumstances the only course to arrive at a friendly solution of the question was to redeem the tax in the same way as the Sound dues, which was an analogous case, had been redeemed. If the Committee agreed to the principle of redemption there would be little question as to the details. Hanover proposed that a sum equal to 25 years' purchase should be given for the redemption of the revenue derived from the tolls. But that was objected to, and it was ultimately agreed to accept 15½ years' purchase. With regard to the contribution to be made by this country, the Hanoverian Government received £30,000 from the tolls, and this country paid between 50 and 60 per cent of that sum. The next largest contributor was Hamburg. If Hanover received £30,000 a year, that multiplied by 15½ years gave a sum of £465,000. If England were to pay in the proportion of her contribution to the annual revenue derived from the tolls she would pay £250,000. But the interest which Hamburg had in the abolition of the tolls was more than measured by the amount of her contribution, for the tolls prevented ships from going to Hamburg, and diverted trade to other quarters. This country was, therefore, to pay only one-third of the entire amount, Hamburg was to pay another third, and the remaining third was to be divided proportionally amongst the other countries that traded to the Elbe. The treaty which had been concluded provided that no pecuniary obligation was to be fixed on this country except with the concurrence of Parliament. There had been an Act of Parliament in the case of the purchase of the Sound dues, but in the present instance it was thought that a Vote in Committee of Supply would be sufficient for all practical purposes. He hoped the Committee would agree to the Vote, as interest would have to be paid upon any instalments that remained due after the 1st of October, and as by the treaty the compensation was to be paid in thalers, the sooner the operation of purchasing them began the better as they might, otherwise, be losers by a rise in the rate of exchange. He trusted that the grounds he had given for the Vote would be satisfactory to the Committee.

MR. AUGUSTUS SMITH said, he was not at all satisfied with the explanation of the right hon. Gentleman. He thought the proportion fixed for England was high. On whom did the duty fall? On the owner of the ship? On the owner of the merchandize? Did it not rather, according to the principles of political economy, fall on the consumers of the goods? It had been considered that such duties fell on the consumers. Then the Stade dues had been regarded in the light of passing tolls. If so, Hanover took the dues, and did nothing for them. In this country when relieving foreign countries from our passing tolls we did not call on them to buy up their liabilities. Again, the duties were really abolished by the Treaty of Vienna. But whenever that treaty operated in favour of the general European public it had been set aside. Another reason why he thought the share of this country too large was because cargoes from foreign ports which came to the Isle of Wight, or some point on the English coast, and were there purchased to go to Hamburg, were reckoned improperly as a portion of our trade. Moreover, these dues being levied by the pound, this country had been subjected to overcharge on account of the English pound being less than the foreign one. Under all the circumstances he thought the hon. Gentleman had not given a good reason for fixing England with so large a proportion of the commutation money for the Stade dues; and he should say "no" to the Vote.

Vote *agreed to,* as were also

(3.) £1,257, Commissioners of Education, Ireland.

(4.) £4,995, University of London.

(5.) £16,285, Grant to Scottish Universities.

Mr. W. WILLIAMS said, the Vote was upwards of £8,000 more than the Vote of last year. He wished to know what was the cause?

Mr. PEEL said, the reason of the increase was the recent legislation on the subject of the Scotch Universities.

Vote *agreed to,* as was also

(6.) £2,336, Queen's University, Ireland.

(7.) £3,300, Queen's Colleges, Ireland.

Mr. DAWSON said, he thought the claims of the inspectors of these colleges ought not to be further postponed.

Mr. CARDWELL said, it was proposed to redistribute the £7,000 appropriated to the professors, so as to meet the claims referred to.

Vote *agreed to,* as was also

(8.) £500, Royal Irish Academy.

(9.) £1,500, Theological Professors, Belfast.

Mr. HADFIELD said, there was a growing feeling in Ireland as to the impolicy of the allowance. That class of rich Dissenters had no right to come upon the public funds. It was the only class of Protestant Dissenters in the kingdom that received such a grant. He should, therefore, move the reduction of the grant by £2,050, which would leave only the amount of retired allowances.

Mr. CARDWELL said, that considering the great importance of the Presbyterian body in the north of Ireland, the nature of the institution, and the long period that the grant had been in existence, he trusted the hon. Gentleman would not persist in his Motion.

Mr. DAWSON said, the institution had done a vast amount of good in the north of Ireland.

Mr. W. WILLIAMS expressed his disapproval of the Vote.

Motion made, and Question put,

"That a sum, not exceeding £1,500, be granted to Her Majesty, to complete the sum necessary to pay the Salaries of the Theological Professors and the Incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March, 1862."

Mr. Augustus Smith

The Committee *divided:*—Ayes 120; Noes 20: Majority 100.

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

OFFENCES AGAINST THE PERSON BILL.

CONSIDERATION.

Order for Consideration, as amended, read.

Mr. HENLEY said, he rose to move, as an Amendment on Clause 4, that the word "misdemeanour" be substituted for "felony." He held that in assimilating the laws of England and Ireland, where the law was more severe in one than in the other, the milder form ought to be preferred, unless there were peculiar circumstances which rendered severity necessary. The common law in England and Ireland made the offence of conspiracy to murder a misdemeanour. About 1795 or 1796 the Irish Parliament passed an Act making it a felony punishable with death. When the Irish criminal law was consolidated in 1829 the offence was re-enacted as a felony punishable with death. By the Bill it was proposed to make it a felony both in England and Ireland, and, instead of the punishment of death, to attach to it the punishment of penal servitude for life or a less period, at the discretion of the Court. It was necessary to consider whether there was anything in the state of Ireland to render it necessary to treat the offence in a way different from that in which it had hitherto been treated in England. Looking to the great diminution of crime in Ireland, they could not come to any other conclusion than that Ireland might very well be left with the same law which had always been found sufficient in England. In 1839, than which year the criminal returns of Ireland did not go further back, the number of persons accused of the offence of murder in Ireland was 286. With the exception of the years 1848 and 1849, when, owing to the terrible pressure of the famine, crime in Ireland did not diminish, there had been a gradual diminution. The number of persons accused of murder in Ireland fell to 92 in 1845. It rose to 179 in 1849. In 1853 it fell to 73; and in 1859 to 45. A more remarkable change in the criminal statistics of any country could scarcely be found. The crime with which the clause immediately dealt was conspiracy to murder, and solicitation to murder. In 1859 the number of persons accused of the crime of solicitation to murder in Ireland was nine, and in 1859 none. The number of persons accused of conspiracy to murder in Ireland was, in 1839, 25; and in 1859, 3. Taking the whole of the offences against the person, including manslaughter, the number of persons accused in Ireland was, in 1839, 898; and in 1859, 235. With this alteration for good, it could hardly be said that there was any special ground for the severity of the law. What was almost as satisfactory, the number of convictions was in most years more in proportion to the number of persons accused. Of the 286 persons accused of murder in Ireland in 1839, 32 only were convicted, and of the 45 accused of the same crime in 1859, 3 only were convicted. The proportion of convictions in England did not vary so much as many persons might think. In the English criminal returns the offence of conspiracy to murder was included under the term "misdemeanours," and, therefore, whether there were many or few persons accused of it could not be ascertained; but it might fairly be assumed that if there had been many some special notice would have been taken of the fact. In cases of felony the police had always exercised much larger and more arbitrary powers than in cases of misdemeanour. A policeman or constable, having a reasonable ground to believe that a felony had been committed, was justified in apprehending a person without a warrant, and would be held to be justified unless it was shown that he acted from some improper or malicious motive. There was a vast number of foreigners resident in this Metropolis. Nothing would be more easy than for a Foreign Minister who wanted to get hold of the correspondence of a foreign refugee to put it into the mind of a constable that such a man was mixed up in a conspiracy to murder. The constable, acting in good faith, would go into the unfortunate foreigner's house, apprehend him, and seize all his papers. The conspiracy might never have existed, but the papers having been seized the names of all the refugee's correspondents would be known, and persons in other countries would be implicated in political matters which otherwise would never have been found out. That was a great reason for not making the offence a felony unless there was an absolute necessity for it. He felt it so strongly that three years ago, when the question arose, under special circumstances, of making the change in the law of England, and after the Bill was read a first time, but before the episode occurred which led to its untimely end, he went to the Secretary of State and told him that unless he provided some guard against the action of the police he should vote against it in a further stage. The question was always cropping up. Somehow or another foreigners got hold of our constables. They had an example of it in the recent Kossuth business, and if a foreign Minister obtained the names of a refugee's correspondents that would perhaps be all he wanted. The refugee himself might not suffer, but his friends abroad might be subjected to all the inconvenience of being in correspondence with a man who had been obliged to flee his country. There might be inconvenience in making the change in the law of England, and he could see no necessity for continuing to make the offence a felony in Ireland. When the law was more severe in one country and less severe in the other, it was wise, in assimilating the law, to adopt the less severe form. He was glad to be able to acknowledge the courtesy of the hon. and learned Attorney General in bringing the subject on at a convenient hour. He was quite ready to take the opinion of the hon. and learned Gentleman as to the period of penal servitude. It was not the *quantum* of punishment to which he objected, but the inconvenience which might arise, and which he had endeavoured to point out. He hoped the Government would accede to the proposal which he begged to make—namely, to strike out the word "felony" in the fourth clause, and to insert the word "misdemeanour."

THE ATTORNEY GENERAL said, he hoped the House would not be induced to adopt the Amendment. It would have been observed that to a clause which defined an offence, and attached upon conviction a punishment of considerable severity, the only objection of the right hon. Gentleman related to the character of the crime which, he contended, ought to be misdemeanour only and not felony. This objection was based on the assumption that if the offence were felony, the police would arrogate, or might be invested with certain arbitrary and summary powers of interference with persons and papers, which might lead to injurious consequences, not so much to the individual accused, but, supposing him to be a foreigner, to persons with whom he might be in correspondence in other countries. For the purpose of enforcing that objection, the right hon. Gentleman had supposed a conspiracy between the Minister of the country to which the refugee belonged and the Government of Her Majesty; because the interference of the police in the way suggested, whatever effect it might have on the individual proceeded against, could be attended by no injurious consequences to his correspondents abroad, unless there existed an understanding between the foreign Minister and the Government of this country, which might lead the latter to abuse the information obtained through the agency of the police. He did not believe that any Government which could exist in England would lend itself to such conduct. It was important to bear in mind that the object of the present and of four other Bills which had already been before the House, was to consolidate the criminal law, bringing within the four corners of one enactment all the statute law bearing upon a particular class of offences, and now scattered through a great many volumes. Another object was to combine the assimilation and amendment of the statute law of England and of Ireland with its consolidation. But the law could not be assimilated without considering, in the first place, whether the law of the two countries was the same or different. If it was different, then the question arose whether the law of one country should be adopted in the other, or whether some alteration or change should be made, so as to bring about a new state of the law applicable to both countries. A considerable time ago conspiracy to murder was made by statute a felony in Ireland, punishable, on conviction, with death; and so it remained at the present moment. In England, on the contrary, it was a mere misdemeanour. It was obvious that the severe statute law of Ireland could not be applied to England; and hence it followed, if we were to have the same law for the two countries, that there must be applied to both countries some modification of the severity of the Irish statute. That modification was effected by the present clause, which, making the offence a felony, attached to it, not a capital punishment, but a punishment next in severity —that of penal servitude. There was a considerable body of authority for the clause. In the Bill relating to offences against the person brought forward during the Administration of the Earl of Derby, conspiracy to murder was dealt with as a felony; and in the Bill on the same subject subsequently laid on the table by the right hon. and learned Member for Dublin University, the late Attorney General for Ireland (Mr. Whiteside), the same course was pursued. In the Bill introduced into the House of Lords last Session, the same clause was inserted, and it remained after the Bill had undergone a very searching investigation by a Select Committee of that House. He could not see that there was any force in the objection of the right hon. Gentleman opposite. If they were to proceed upon the supposition that the Government of Her Majesty would lend themselves to the designs of a foreign Minister, he did not think the police, acting upon the instigation of the Government, would be particularly nice in their conduct whether conspiracy to murder were called a felony or a misdemeanour. Conspiracy to murder, as recent and unhappy experience had shown us, was an offence which might, not improbably, be committed in this country, either by foreigners acting alone or by foreigners in concert with Englishmen; and considering the conclusions—at times not very charitable to our feelings and sense of justice—drawn by Continental Government from the large and wide hospitality we afforded to refugees of every kind, it was worthy of consideration whether, when there could be no great or serious objection, we should not put our law in such a form as might relieve us from discreditable accusations. In 1858 the House seemed to adopt that view, because it approved a Bill which both changed the character of the offence and altered its punishment. The first reading of that Bill was carried by a large majority, but it ultimately failed, from circumstances which did not in any way affect the opinion expressed by the House, that such a change in the law was desirable. He hoped, therefore, that the House would not agree to the right hon. Gentleman's Amendment.

Mr. WALPOLE: Sir, I wavered at first very much in my opinion as to this matter, but the more I have considered it the firmer has become my conviction that the view of my right hon. Friend is the correct one. My hon. and learned Friend the Attorney General seems to have forgotten the exact object of the Bill to which he referred. Its object was not to turn a misdemeanour into felony, but to make that an offence which the law did not reach before—namely, a conspiracy in this country to commit a murder abroad. It had nothing whatever to do with the question whether the offence of conspiracy to murder should be a misdemeanour or a felony. As to the authority to which my hon. and learned Friend the Attorney General has referred, I cannot see that that has much weight. The House has never yet given any opinion on the precise question which my right hon. Friend has now submitted to it. No doubt one object of these Consolidation Bills is to make the law of the two countries uniform, but in this particular matter this Bill neither consolidates nor assimilates—it alters the law of both England and Ireland. If you were consolidating the law, and took the law of Ireland, you would make the offence of conspiracy or soliciting to commit murder a capital offence, punishable by death; if you took the law of England you would make it a misdemeanour, omitting the offence where the murder is committed abroad. But you are altering the law of both countries, and the question you have to consider is what Amendment would be best. As regards Ireland, you have introduced this Amendment—that instead of the offence being a capital one, it becomes a felony, punishable by penal servitude; and in England, instead of being a misdemeanour, it becomes a felony, punishable by penal servitude. The question raised by my right hon. Friend is not whether the offence shall be the same in both countries or whether it shall be punishable by penal servitude; he and the Attorney General are both agreed as to that; but it is whether it shall be a misdemeanour or a felony. The difficulty arises from the mode in which under this Bill you enable the police to deal with this particular offence, for, in point of fact, you will—or, I will say, you might—by an abuse of authority enable a constable, without a warrant, to obtain information which, except for the allegation of that offence, he could not obtain. That arises entirely from the technical description of the offence as a felony. If it were a misdemeanour the police would have no power to ransack a man's papers without a warrant. I think that my hon. and learned Friend has missed the exact point submitted for consideration by my right hon. Friend, and keeping in view the extreme jealousy with which this House has always guarded against information being obtained from any person which might be turned against him on a charge which does not relate to the particular offence for which he is put on his trial, and seeing that there is nothing in this Amendment which will diminish the punishment or the means of proving the offence, I shall strenuously support the Amendment.

MR. CONINGHAM said, he thought the House was under a very great obligation to the right hon. Member for Oxfordshire for having brought the matter before the House. When it was understood in the country what was proposed in this Bill there would, no doubt, be a very clear expression of opinion on it. The history of the Session had been so strange that scarcely any proceeding of the Government inconsistent with the principles professed by their followers would have surprised him, but he certainly was not prepared for such a proposal as that. He should give the right hon. Gentleman his hearty support, and he trusted that the Amendment would be carried by a large majority.

MR. AYRTON said, he had given notice of his intention to move the omission of the clause altogether, but on grounds somewhat differing from those stated by the right hon. Gentleman opposite. The House was scarcely aware, he thought, of the nature of the offence indicated by the clause. It was limited simply to the offence of conspiracy, without any overt act whatever to carry the conspiracy into effect. That offence was purely one of intention; it was nothing more than the agreement of two persons to commit murder, though it might not be followed by any attempt to commit it, and though one of the parties might recede from, or even frustrate the agreement. In another Bill it was provided that any person inciting another to commit a felony should be punished as the principal felon. But was it right that a mere intention, followed by no overt act, should be put in the same category as an attempt to commit murder? That would be at variance with established principles of law, which recognized a great distinction between the two offences, and prescribed for the less offence only a less punishment. Not one of the Commissions which had been appointed for the consolidation of the criminal law had recommended the change, and it had never been heard of until the Emperor of the French required us to make it. Then came the proposal of the noble

Lord at the head of the Government. It was true that the House allowed the Government to bring in the Bill on the subject, but it was negatived on the second reading, and the House preferred to risk a change in the Government rather than pass such a measure. Was that decision to be treated as nothing? Had any circumstances occurred in the country which rendered such a change necessary? He had heard of no such necessity; and it was not a sufficient reason to say that, with a different state of society in Ireland, a different law existed than that now in force here. It was due to the character and the honour of the House that if the decision of 1858 were reversed the step should not be taken hastily or inconsiderately, but that the House should declare that it had committed a great error in then refusing to assent to the proposal of the noble Lord

SIR GEORGE LEWIS: Sir I cannot recognize the reality of the fears expressed by the right hon.Gentleman (Mr. Henley) as to the arrangement which he supposes would be made between a foreign Minister and a police constable. My belief is that if any foreign Minister wished to employ a police constable for the purpose of discovery he would apply to the Home Office, and they would not be likely to lend themselves to any improper act of that sort. If the object simply was to search a man's house without a warrant, there are many felonies besides the conspiracy to commit a murder abroad which would afford an opportunity for the purpose. Therefore, assuming the sinister purpose which the right hon. Gentleman described, and that means were desired to carry it into effect, he would not be baffled even under the existing law. I understand the right hon. Gentleman does not object to diminish the punishment, and he does not propose to alter the clause except by substituting misdemeanour for felony, leaving all the rest of the clause as it stands. The difference would be that the prisoner would retain the advantages which he possesses in trials for misdemeanour, and there would be the difference in respect of searching his house. In that respect the alteration would be favourable to the prisoner; but I do not think the matter is worthy of any very lengthened contention, and I shall be quite prepared to concede the point.

MR. HENLEY said, he never imagined that any Government would ever lend themselves to such a thing. Of course it would be done by the police.

Amendment *agreed to.*

THE ATTORNEY GENERAL said, that the alteration having been made by the House, it would not be right to allow so severe a punishment to stand. He proposed that the words "for life" be struck out, in order to substitute a term of "not more than ten years, or less than three."

MR. AYRTON said, the Amendment was satisfactory; it reduced the punishment, and made the offence a misdemeanour, which was the common law.

Clause, as amended, *agreed to.*

VISCOUNT RAYNHAM said, that in Clause 43, he would move that the word "twelve" be substituted for "six." The effect of the Amendment was to give magistrates the power of committing to prison for twelve months in cases of wife beating.

Amendment proposed, in page 12, line 10, to leave out the word "six" and insert the word "twelve."

THE ATTORNEY GENERAL said, the Amendment was one of a series which would, if agreed to, indicate that a considerable change had come over the temper of the House since the Amendment which it had just carried; for it would greatly augment the severity of the present law against aggravated assaults. The noble Lord, though proposing the increased severity, was, strange to say, actuated by a spirit of benevolence.

Amendment *negatived.*

VISCOUNT RAYNHAM said, he would then move to omit the provision of fine and imprisonment in order to insert the following:—

> "And whosoever having been twice convicted of any such offence as aforesaid shall afterwards commit any such offence shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned in a common gaol or house of correction, with or without hard labour, for any period not exceeding three years, and if the said last mentioned justices shall so think fit, the person, if a male, so convicted, shall be once privately whipped with not more than forty-eight lashes."

Question, "That the word 'six' stand part of the Clause," put, and *agreed to.*

Another Amendment proposed,

> "In page 12, line 11, to leave out the words 'or to pay a fine not exceeding (together with costs) the sum of twenty pounds, and in default of payment to be imprisoned in the common gaol or house of correction for any period not exceeding six months, unless such fine or costs be sooner paid.'"

Question "That the words proposed to

be left out stand part of the Bill," put, and *agreed to.*

Bill to be read 3° *this day.*

MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2) BILL.

CONSIDERATION.

Order for Consideration, as amended, read.

MR. NEWDEGATE: I think, Sir, it is very evident that, if the right hon. Gentleman the Home Secretary had been acquainted either with the Corporation Reform Act or with the speech of the noble Lord at present at the head of the Foreign Department, on introducing that measure in 1835, he would not have made the assertion that this Bill would make no alteration in the state of things existing under the Corporation Reform Act. I shall not now attempt to go over again all the arguments on this subject which I used on a former occasion; but the case is this:—It has been decided in the Court of Queen's Bench that the mayor has precedence everywhere within the limits of the borough; but that he has not of right the chairmanship of the justices when they sit in petty sessions. That was explicitly declared to be the intention of the Act, when the Bill for that Act was introduced in 1835; and it has since been authoritatively decided by the Court of Queen's Bench that such is the purport of that Act. The object of this Bill is to enact that whoever is elected mayor, having become by that Act a justice of the peace for the year of his office and for one year afterwards, shall of right take the chair at all meetings of petty sessions and in all committees of justices. Now, I think that this provision is extremely stringent upon the borough justices, and I am not aware that they have done anything to deprive them of the right which belongs to all other responsible bodies—the right to elect their own chairman. There is an exception to this right in the case of Recorders at borough quarter sessions. The Recorder there of right supersedes mayor and the other magistrates, and sits as chairman and as Judge at the quarter sessions; but in other cases the mayor cannot take precedence of right over the other justices. I think the proposal of this Bill bears very hardly upon the borough magistrates, against whom no offence has been alleged; for these magistrates would not be allowed to exercise a power which belongs to the county magistrates, who are entitled to exercise the privilege of choosing their own chairman. There is no reason for this, especially when it is remembered that in petty sessions every magistrate is individually responsible for the judgment that may be pronounced. That, I believe, is the law: so I have been advised by competent authority. Each magistrate is personally and individually responsible for every decision that may be given at petty sessions; and all I now propose is some valid security against incompetence on the part of the mayor—for the House has decided that the mayor, though he may have become a justice for the first time by virtue of his election to the office of mayor, shall at once step into the chair at every meeting of the justices, and shall thus have authority over men who have been appointed to the office of justice for life, who may have acted for years in the administration of the law and the preservation of the peace, and may have exercised their functions most honourably and blamelessly. As the Bill stands the mayor will thus preside, though he may be without the slightest knowledge or experience of the business of a justice of the peace. That is a severe decision; and I ask the House to modify it. I ask the House to place the mayors of our provincial towns in the same position that the Lord Mayor of London occupies. No one can be elected to the office of Lord Mayor till he has served some time as alderman; and as alderman he exercises the functions of a justice. Therefore, before he is elected to the chair of the City of London the electors have had some experience of his conduct and capacity as a justice of the peace, because as an alderman he sits as a justice of the peace. My proposal is that this security be extended to the boroughs. In the course of a former debate reference was made to the borough of Birmingham, where unhappily the collision took place which led to the introduction of this Bill; and I believe that an impression has gone abroad from that debate that I am dealing with this question in a spirit of hostility to the Corporation of Birmingham. Perhaps the House may not be aware that I, along with my hon. Colleague, in opposition to the views of many of our own political friends, joined with the late Mr. Muntz and the present senior Member for Birmingham (Mr. Scholefield) in carrying through this House the Birmingham Improvements Bill, by which the Corporation of Birmingham became vested with powers as large, if not larger than the powers of any Corporation in England. The hon. Member opposite will bear me testimony that, in this respect, I acted in what cannot be otherwise considered than as a liberal spirit towards the Corporation of Birmingham—more so than many of those who agree with me in general politics were inclined to sanction. The House will see, therefore, that I entertain no hostile feeling whatever against the Corporation of Birmingham. Nevertheless, I am one of those who think that they are now urging us upon a course which is not likely to produce results that are either creditable to themselves or to this House. I ask the House this question—what good will they do, though they may by this Bill thrust a man upon the justices against their will, and make him their chairman of right, though he may have had no experience, and though he may be seriously objectionable in other respects? for the Bill contemplates only those cases where the justices, if left to themselves, would decline to elect the mayor as their chairman. In almost all cases the justices are only too glad to elect the mayor as their chairman, if he is competent; because he, in that case, brings the whole weight and influence of the corporation to support the authority of the justices. The 2nd Clause of the Bill, therefore, contemplates only cases of the character which I have before described, where the mayors are unfit persons, to whom the justices have an objection. This is all I ask: is it unreasonable that I should ask the House to adopt the same safeguard for other corporate towns which for many hundreds of years have assured the peace and prosperity of the City of London? Surely it is only reasonable that, if the mayor is to assume the chair as of right, contrary to the opinion of the rest of the justices he shall, at all events, be a man of some experience as a magistrate? I think that this is only reasonable; and I ask the House for one moment to look at what may be the consequence of refusing this proposal. I think the example of the United States of America is not calculated to commend to us the system of electing magistrates and Judges for short periods of office. The House has decided not only in favour of the election of a justice in the person of the mayor—that has been settled by the Corporation Reform Act—but that he shall be in the position of a Judge—to take precedence of all other justices; and yet this person, who will be entitled to rank as their chief, and expound and declare the law which the justices have to administer, may be himself utterly destitute of any qualification for the office, of any recommendation or security for its due performance, except that he has been elected by the ratepayers of Birmingham or any other town that may have elected such a man mayor of the borough for the year, under the influence of considerations totally apart from his competency as a magistrate, and in total ignorance of his qualifications as a justice; and this at a time perhaps—for the circumstance has happened and may happen again—when a collision may have taken place between the corporation and the bench of justices, and when there may be circumstances calculated to render the administration of justice, however pure and faithful, unpopular in the borough. And I ask the House, if this Bill is carried as it now stands, will it tend to raise the character of the Corporations? The House will, I hope, excuse me for a few moments, while I ask them to consider what may probably be recommended as a cure for this impending evil. What will that cure be? Why, the cure will be simply this: that hereafter there will be a total supersession of the justices by a stipendiary magistracy. If any such cases should arise, and they may arise as they have arisen; if the mayor should prove himself to be totally incompetent, the bench will be brought into disrepute, and we shall have the remedy of those who advocate what they call "progress;" we shall not be allowed to revert to the old custom of permitting the justices to chose their own chairman, but we shall have all the justices superseded, together with the mayors, by the appointment of stipendiary magistrates, with increased powers. I am sure that the mayors who originally urged on this Bill, and they are but a minority of all the mayors in the kingdom—40 out of 130—have not looked to the probable consequences of what they ask. It is to be presumed that under existing circumstances every individual who is elected mayor is competent to the position to which he is called? But those who urge this Bill overlook that, in insisting upon every mayor being of right the chairman of the justices, however incompetent he may be, they will bring the whole system into disrepute, and lead the Legislature to supersede both the justices and the mayors by stipendiary magistrates. I know some hon. Members will say, "Oh! leave it to the boroughs; we shall have a better class of mayors elected, when the inhabitants are made to feel and understand the position in which they place the mayor, and that their electing incompetent men is fraught with danger to themselves." But, I ask, is this right? Is it prudent; is it wise in hon. Members to yield to the pressure which I know is put upon them, without any security that the mayors shall be persons competent to fill the situation in which you propose to place them? The fact is that many hon. Members are, as I understand, voting under pressure upon this Bill. All I ask of them is that they shall take the same security that the ratepayers shall elect an officer who is competent to discharge the duties this Bill imposes; the same security which for years has contributed to the sound administration of justice in the City of London. I have consulted with several persons who are well acquainted with the working of the Corporation Reform Act, and there is not one of them but has assured me that the proposition I make is not only reasonable in itself, but is necessary to secure the dignity, the honour, and the efficient working of our corporate system. I shall, therefore, take the sense of House upon the addition of the following clause:—

"That the right to take the chair at such meetings of justices shall not attach to the office of mayor, unless the person filling that office shall have been commissioned and have been qualified to act as justice of the peace within the borough, at least three years before his election to be mayor."

Clause *brought up*, and read 1°.

SIR GEORGE LEWIS said, he objected to the clause, as it would nullify the whole operations of the Bill, which at present carried out the intentions of its framers.

LORD LOVAINE said, he should support the proposed clause, which he thought was a reasonable one.

MR. DEEDES observed that the clause did not state that the mayor "may" take precedence over all the justices, but that he "shall" do so.

SIR GEORGE LEWIS said, that the words were "shall be entitled."

MR. DEEDES said, he put it to the right hon. Gentleman whether in practice those words would not have the effect of "shall." But supposing they only gave rise to a question on the subject, such an effect would not be desirable.

MR. SCHOLEFIELD said, he had a great respect for the Birmingham justices, but he hoped that what might be said to be the universal practice would be carried out in that town, and that the mayor would there have that precedence which was accorded to him in other places.

MR. SOTHERON ESTCOURT said, the question was simply, would they give the mayor precedence in judicial matters? He thought they should not do so; and he would, therefore, suggest an Amendment which would, perhaps, be acceptable, to the effect that the mayor should not have precedence over the county magistrates, over the stipendiary, or any other body of magistrates engaged in judicial proceedings.

SIR GEORGE LEWIS said, it might be supposed from the argument of the hon. Gentleman (Mr. Newdegate) that no one was fit to be a justice who was not a lawyer. This, however, was a view which was not borne out by experience.

MR. SPOONER said, he should support the Amendment of the hon. Gentleman, as he had not heard a word uttered that at all showed the necessity for the Bill.

Motion made, and Question put, "That the Clause be now read a second time."

The House *divided*:—Ayes 32; Noes 137: Majority 105.

MR. SOTHERON ESTCOURT said, at present words could only be altered by Act of Parliament, but the 6th Clause gave the power to the Home Secretary. He would suggest a limitation of the power, considering it too extensive.

SIR GEORGE LEWIS remarked that the clause as it stood contained sufficient provision against any abuse of the power given.

Clause and the remaining Clauses were then *agreed to*.

Bill to be read 3° *To-morrow*.

SALMON FISHERIES BILL (CHANGED FROM SALMON AND TROUT FISHERIES BILL).—CONSIDERATION.

Order for Consideration, as amended, read.

MR. HENLEY said, he would move that Clauses 28 and 29, giving power to the Home Office to appoint inspectors, and to pay them such salaries as might be settled by the Treasury, be omitted, on the ground that it was inconvenient to expend public money in the preservation of salmon. The next thing would be to appoint inspectors for the preservation of foxes and pheasants, or any other game. Those who wanted either the fish or the game, or the foxes, might pay for their preservation.

Mr. CLIVE said, he must oppose the Amendment.

Mr. CAVENDISH BENTINCK said, he should support the Amendment. The main objection to the clause was that it placed unlimited power in the hands of the proposed inspectors, for there was no definition of their powers.

Sir GEORGE LEWIS said, the Home Secretary could not create any new powers; he could only invest the inspectors with such as the law permitted.

Question put, "That Clause 28 stand part of the Bill."

The House *divided*:—Ayes 85; Noes 47: Majority 38.

Remaining Clauses *agreed to*.

Bill to be read 3° *To-morrow*.

House adjourned at a quarter before Three o'clock.

HOUSE OF LORDS,

Tuesday, July 16, 1861.

Minutes.] Public Bills.—1ª Naval Medical Supplemental Fund Society; Dealers in Old Metals; Probates and Letters of Administration Act (Ireland) Amendment.

2ª Public Works (Ireland) (Advances and Repayments of Monies); Attornies and Solicitors (Ireland); Piers and Harbours; County Surveyors, &c. (Ireland); Industrial Schools.

3ª Harbours; Metropolitan Police Force Pensions.

EAST INDIA COUNCIL, &c., BILL.

COMMITTEE.

Order of the Day for the House to be put into a Committee read.

Moved, That the House do now resolve itself into a Committee on the said Bill.

The Marquess of CLANRICARDE rose to ask Her Majesty's Ministers to lay upon the Table of the House Copies of all Reports, Minutes, or other Record of opinions of Members of the Indian Council, or of Committees of that Council, relating to the Bills concerning India now before this House? He made this request, not from any feeling of hostility towards the Bill, but because he desired to know what were the opinions of the able and eminent men who formed the Council of the Secretary of State for India with respect to the measures for the government of India which were, or were about to come, before their Lordships. The Council was constituted that it might advise, not only the Secretary of State, but Parliament, and it would be a waste of means of information which were within their reach if they did not ascertain what were the opinions entertained by the Members of that Council with regard to these measures. The noble Earl who had charge of the Bill (Earl de Grey) had said that it was sanctioned by the Indian Council; but all these measures had been a good deal altered since they were first in contemplation, and he was anxious to know what opinion the Members of the Council entertained of them as they now stood. It was the rule that if a Minister referred in the course of a debate to any despatch he was bound to produce it, and, in the same way, the opinions of Members of the Council ought to be laid before the House if any allusion was made to them by any Member of the Government. It had been said, he believed, that if these opinions were produced the Secretary of State would be debarred from asking his Council for advice in future. He saw no reason why that should be; but, of course, if his noble Friend assured him that the publication of the papers he asked for would be attended with any inconvenience to the public service, he would not press for them. As he had already stated, he was generally in favour of the present Bills. He believed that the leading principles of the measures were in the right direction. He approved the formation of the local Legislatures, and the admission into them of Natives and persons unconnected with the Government; but he doubted the wisdom of the clause as to the formation of the Legislative Council of the Governor General. When the Council of India was established it was not contemplated that their opinions should be kept secret, even when they differed from the Secretary of State—still less was there any occasion for secrecy when they agreed with him. He hoped the Government would not object to the production of these papers.

Earl DE GREY and RIPON said, he could not help thinking his noble Friend (the Marquess of Clanricarde) was under some misapprehension, first, as to the existence of the documents for which he had moved; and further, as to the functions of the Indian Council and the mode in which business was carried on in the Indian Department. His noble Friend proposed that there should be laid before Parliament copies of any Reports, Minutes, or other records of Members of the Indian Council, or of Committees of the Council, on the subject of these Bills. Now he (Earl de Grey and Ripon) wished to point out that a distinction must be drawn between Reports of Committees of the India Council and any documents emanating from that body in their collective capacity as constituted by Parliament. The Indian Council, for the purpose of carrying on its daily business, was divided into committees, each of which considered the questions and papers that might be referred to them, and made reports, which corresponded precisely to the Minutes of Departments drawn up by subordinate officers in other branches of the service. He must point out to his noble Friend that it would not be for the convenience of tho public service if reports of committees of this description were laid before Parliament. They had none of the force and character which attached to the recorded opinions of the Members assembled in Council, and it would obviously be inconvenient to produce them. The noble Marquess, alluding to what had been said by the Secretary of State for India in "another place," described his right hon. Friend as having said that, if these papers were laid before Parliament, a Minister would never consult with his Council at all. But his right hon. Friend the Secretary of State had not and could not have made any such statement. What his right hon. Friend said was that, if the confidential reports made by committees of this description were laid before Parliament it would lead to a different mode of transacting the business of the Department, and to the discontinuance of such committees. It was not the practice of the India Council for Members of it to give their reasons for assenting to or dissenting from every measure which was laid before it. When the Secretary of State decided against the opinion of several Members of the Council, or overruled the majority, it was usual for them to record their dissents; and, except under very peculiar circumstances, there could be no objection to the publication of any such dissents. Generally speaking, however, the opinions of the Members were given in conversation, and, as there was no reporter present to note down what they said, there was no record of the discussion to produce. As to the three Bills now before Parliament, no dissents had been recorded. The dissents which were made with regard to the India Civil Service Bill of last year, but which had no reference to the measure of this Session, had already been made public. Their Lordships must not forget that the duty of the India Council was to advise the Secretary of State, and not Parliament, and that it really formed part of the Executive Government. His right hon. Friend was anxious to afford every information in regard to the India Bills now before Parliament which was consistent with the interests of the public service, but, for the reasons he had stated, he trusted their Lordships would not insist that the reports of committees of Council should be laid on the table. When he spoke the other night of the opinion of the Council on the present Bill he did so in the most general terms. He said that it had met with their general approval; and that was a simple statement of the conversations which took place in the Council on the subject.

THE EARL OF ELLENBOROUGH understood that the object of the noble Marquess was to have produced, for the information of their Lordships, any papers which might show what the individual opinions of the members of the Indian Council were with regard to the particular measure now before Parliament. It seemed to him very extraordinary that the Council of India should conduct its business in such a manner as to have no record of its proceedings to produce. No doubt, the Council existed generally to give advice to the Secretary of State; but when it was established it was certainly contemplated that such a body, composed of able men, well acquainted with all subjects connected with India, would also inform and guide the legislation of Parliament on these questions. He very much regretted that a different system now prevailed. One observation he felt bound to make as to the grounds upon which certain propositions were submitted by the late Government with regard to the constitution of the Council. He then held, and still held, the confident belief that it was perfectly impossible, at this time of the day, to create any new institution whatever which should have real authority in the country unless it was, to a considerable extent, founded upon representation. It was with that view that he and his noble Friend (the Earl of Derby) had attempted in 1858 so to constitute the Council, as to give it in some degree the character of a representative body. No doubt, the arrangement was generally considered unsatisfactory, but that was the object with which it was proposed. In particular it was proposed that there should be placed in the Council two gentlemen representing the cotton interests of Glasgow and Manchester. If that proposition had been adopted they would probably not have now to regret, as they did, the want of that supply which would make them independent of America. The object of that proposition was to place in the Council men who would constantly urge upon the Government of India to take measures to secure an independent supply of cotton, and he greatly regretted that that view was not adopted.

Motion *agreed to.*

House in Committee accordingly.

Clause 1 and 2 *agreed to.*

Clauses 3 (Composition of the Council of the Governor General of India),

THE EARL OF ELLENBOROUGH said, that the principle of fixing the salaries of important personages by Act of Parliament was not adhered to by Her Majesty's Government, for not only did this clause enable the Secretary of State in Council to alter the salaries of the members of the Council of the Governor General, but another Bill gave power to alter the salaries of the Judges, which, he believed, was quite unprecedented.

EARL DE GREY AND RIPON said, the clause made no change in the present law.

Clause *agreed to.*

Clauses 4 and 5 *agreed to.*

Clause 6 (Provision on Absence of Governor General in other Parts of India),

THE EARL OF ELLENBOROUGH said, he wished to draw their Lordships particular attention to this clause, the provisions of which were altogether new. In case the Governor General in Council should deem it expedient for him to visit any part of India unaccompanied by his Council, this clause provided that a law or regulation should be passed to enable him to exercise alone the powers which he might execute in Council, except that of making laws or regulations. It would be all very well if the body which had to make the law was the same as the body which decided on the expediency of the Governor General visiting the provinces without his Council. But by this Bill a different kind of Council was created by which the law would have to be made from that which had to advise the Governor General, and it was not only possible, but, he thought, very probable, that the legislative portion of the Council would decline to pass the Act. As they knew nothing whatever of the transactions of the Government, they could only be cognizant of the circumstances which made it expedient that the Governor General should go from common conversation and rumours in the public papers, and they might make that a ground for refusing these powers. He would suggest that, instead of a law, an ordinance should be sufficient, signed by the Governor General in Council, so that those who declared the necessity of his going should have the power of enabling him to go.

EARL DE GREY AND RIPON assented to the alteration.

Clause amended; and *agreed to.*

Clause 7 (Provision on Absence of Governor General from meeting),

THE EARL OF ELLENBOROUGH suggested that, as the usual residence of the Governor General was at Barrackpore, sixteen miles from Calcutta, words should be inserted to require the signature of the Governor General to Orders in Council at which he was not present, if made at Calcutta, as was required by the words of the clause, "if such Governor General shall be resident at the place at which such meeting shall be assembled." He proposed to add to those words "or within twenty miles."

EARL DE GREY AND RIPON objected, on the ground that the existing law was not altered, and no inconvenience had arisen.

Clause *agreed to.*

Clause 8 (Power of Governor General to make rules for the Conduct of Business),

THE EARL OF ELLENBOROUGH requested the earnest attention of their Lordships to this clause. The Governor General had hitherto been in India solely responsible for every act of his Government. By this clause he was to divide his responsibility among the Members of his Council. He thought it a most dangerous proceeding, and one which would lead to great public inconvenience. He gathered that the object of the clause was to enable the Governor General to save himself a great deal of trouble by turning on Members of his Council the direction of separate departments, which was the introduction of a novel principle. Of course, the military man placed at the head of the Military Department would take the whole direction of it, and the Governor General would thus deprive himself of one the most important powers which he possessed—that of directing all military matters. When he was in

India he wrote with his own hand every single letter of importance in the Military Department. The position of the Governor General would be altogether different if the whole direction of the Military Department were taken from him by the military Members of Council, not selected by himself, but by the Secretary of State in Council at home, whose views might, perhaps, altogether differ from those of the Governor General. The Governor General could not interfere in any way, for whatever the military Member did would become an act of Council. The Military Member might be removed from that department by the Governor General, but he would still remain in the Council to obstruct every measure of the Governor General. But what would be the position of the successors of the present Governor General? It was said to be Lord Canning's intention to return home next spring, so that he would only remain four or five months after this Act went out. He would make rules and regulations for the transaction of the business, and would place certain gentlemen at the head of the different departments; and the succeeding Governor General might entertain a totally different opinion as to the best mode of transacting business and might think it necessary to revert to the old system; so that the very first act of his Government would be to give mortal offence to those gentleman with whom it was absolutely necessary that he should work well. This idea was not a new one—it was, in fact, a very old idea which had never yet been acted upon. Thirty years ago a question was put in a Committee to Mr. Mountstuart Elphinstone on this very proposition, and he gave a very decided opinion against it.

EARL DE GREY AND RIPON said, the object of the clause was simply to enable the Governor General to make such rules and regulations from time to time as he might think fit, and it was founded on the strong recommendation of the present Governor General. In his despatch on the subject Lord Canning said—

> "The fault of the present constitution of that Council is the waste of labour and the delays that it entails. This has been mitigated of late; but not so much as it might be. It has arisen chiefly from the fact that the wording of the law and long usage appear to prescribe that every act of the Governor General in Council, beyond those of mere routine (and not always excepting these), must be done with the actual consideration and concurrence of all the Members of the Council. This tradition was not long ago broken through, but not without misgivings on the part of some Members of the Government as to whether they were not unduly divesting themselves of the responsibility fixed upon them. A division of departments has, however, to some extent taken place, and the result has been good."

The evils of the previous state of things was felt by Lord Dalhousie also, and he made certain changes in the direction of those which Lord Canning now proposed. He had the high authority of Mr. Cecil Beadon for saying that his practical experience had convinced him that some such arrangement as this was most desirable. The whole effect of the clause would be that in mere departmental matters the Governor General would place some Member of the Council at the head of each department to whom all the papers would be referred; but the authority of the Governor General would not in the least degree be weakened. It would enable the Executive Council to conduct the business in the manner they might think most convenient without being subject to the present restrictions.

THE EARL OF ELLENBOROUGH said, that when he was in India he introduced a change in the manner of conducting the business of the Council, which saved a great deal of time. Formerly the Council met twice a week, when the secretaries of the different departments were introduced, and all the business accumulated since the last meeting was transacted. The reading of the letters, their discussion, and the making of orders often occupied the Council from eleven to five o'clock, and frequent delays and accumulations of business took place. He then proposed that all the letters should be sent to him in the first instance, and that in each case where he had no doubt he would write in pencil what should be done, and in those on which he wished to advise with the Council he would write "Reserve." The letters would then be sent round to the Council, and if any Member doubted the expediency of what he proposed, or wished to consult his colleagues, he would write "Reserve" on the letter, and the matter would then be brought before the Council at the next meeting. In practice he found that he wrote "Reserve" much more frequently than any of his colleagues. Whatever he suggested was almost always adopted. The result was that instead of sitting six hours the Council generally rose in an hour and a half, and thus most valuable time had been saved. If Lord Canning had gone back to the old system he could very well understand that he would be overwhelmed with business. The opinions of Mr. Mountstuart Elphinstone on this point were so strong that he would read them. These were the questions put to him by the Committee, and the answers which he returned—

> "The Members of Council being usually persons of high character and long standing in the service, would it not be advantageous to delegate to them particular functions in the Government, so that the public might avail themselves of their services to the fullest extent?—If they were put at the head of departments, the Government remaining on its present footing, each would be responsible for his own department, and the Governor would be in a measure superseded; the opinion of these heads of the departments in Council would then have much greater weight than it has at present, and the Governor's attention would be drawn from the department committed to each individual.
>
> "If that power were distinctly given to the Governor, of which you have spoken, of acting on all occasions independent of his Council, might not, in that case, the services of the Members of Council, being personally responsible for the good management of the departments over which they presided, be usefully available for the public service? I think the head of a department would be more effectually responsible if he were not a Member of Council."

THE DUKE OF ARGYLL thought that the interesting extract just read by the noble Earl referred to a wholly different proposition from that now under discussion. It was not proposed that each Member of the Council should be put in charge of a Department, but that the Governor General in his own Council might distribute the business according to his own sense of the exigencies of the Department. His noble Friend (Earl De Grey and Ripon) had quoted from Lord Canning's despatches. He would read a little further. Lord Canning said that practically a division of Departments had taken place, and he added—

> "I would recognize this division by law, and I would carry it out more distinctly. For this purpose the law should declare that it shall be in the power of the Governor General to charge each Member of the Council with the direction of such Department of the Government as he may think fit; and that, subject to any regulations which the Governor General in Council may lay down, the orders of that Member of the Council should in that Department be held to be the orders of the Governor General in Council. It is not possible or desirable to define by law what questions should be submitted to the whole Council. Subjects constantly arise upon which it is quite right that a Member of Council should consult the Governor General, but which it would be a waste of time to bring before every Member of the Council. The practice should be regulated, as in the English Cabinet, by good understanding and common sense, and by the paramount authority of the head of the Government. There is no fear that any important questions would be kept from the consideration of the whole Council by such a change."

The clause now proposed would authorize the Governor General from time to time to make such regulations as he thought necessary for the more convenient transaction of business; and if the division of work which he made were found inconvenient, or if his successor disapproved it, the regulation might be altered or remodelled in a moment, according to the views of the Governor General for the time being. Among the Council there was a military Member, a legal Member, and one acquainted with finance; and he thought there would be no practical difficulty in distributing the business among them, so that each Member of the Council should be fairly conversant with the questions referred to him.

EARL GREY admitted the advantage of a greater division of labour among the Members of the Council. The complicated affairs of so large an empire could not be properly carried on unless there were some such division. But the question was should that division be provided for by a specific law? It seemed to him that it was an innovation, and rather a dangerous one, to provide by Act of Parliament that the Order of individual Members of the Council should, under certain circumstances, have the force of an Order of the Governor General in Council. As to the argument of Lord Canning, it really answered itself, because it pointed out what was the right way of effecting this division of labour—namely, by a good understanding among the Council and by agreement between them that certain questions should be disposed of by certain Members, reference being made in cases of necessity to the whole Government. The clause seemed to him to be an unnecessary one, and, being unnecessary, it would be safer to omit it.

VISCOUNT HARDINGE said, that when his father went out to India the noble Earl (the Earl of Ellenborough) told him that, unless he adopted some such arrangement as he had indicated for facilitating work in the Council, he would come to a deadlock. His father immediately assented to the noble Earl's proposition, and during the time he held office he did not experience the slightest difficulty in the business of the Council. He did not think that any sufficiently strong case had been made out for this change.

EARL DE GREY AND RIPON said, that according to the present law, the Governor General could not legally carry out the arrangement which was proposed unless he obtained the power to do so by Act of Parliament; because the acts which were to be done by the Governor General must now be done by the Governor General and the whole Council.

EARL GREY admitted that the existing law provided that questions should be disposed of by the whole Council; but that did not interfere with the understanding among the Members of the Council themselves to rely on each others judgment in certain matters. The practice of the Admiralty was to confide in each others judgment upon ordinary questions, and to adopt, as a matter of course, the recommendations of individual Members upon points referred to them, without the loss of time which would be occasioned by an investigation of details. He could not understand why the same practice should not be adopted in India.

On Question, Clause *agreed to.*

Clause 9 *agreed to.*

Clause 10 (Additional Members to be summoned for the Purpose of making Laws and Regulations),

EARL GREY said, he looked upon this as the most important clause of the Bill, and it would have an important bearing upon the future welfare, perhaps upon the future safety, of our Indian Empire. Unfortunately, he was absent from the House upon the second reading of this Bill, but he had read the debate which took place on that occasion, and it certainly appeared to him that strong objections were urged against the clause. He thought it would not be right to urge objections without at the same time suggesting some means of amending the fault, and he had, therefore, drawn up an Amendment, to which he earnestly hoped the Government would assent. The existing Legislative Council in India was an admitted failure. It was "a mock Parliament," in which the opposition to the Government was led by a Judge; and this was felt to be an evil so urgently requiring the interference of Parliament that it was probably the cause of the present Bill. What he feared, however, was that the Bill as it stood would not correct the evil complained of. It would, indeed, meet a portion of that evil. It would correct the anomaly of allowing a Judge to take an active part in political matters in opposition to the Ministry. It had been well described, in fact, as a Bill for putting down Sir Barnes Peacock, and it would have no other effect whatever as regarded the character of the Legislative Council. But he did not see how this enactment would prevent a repetition of the evil complained of—its effect would really be in an opposite direction from that desired, because the increase in the number of the Council and the position of independence in which many of the Members would stand would not be likely to diminish the disposition among them to assume functions which did not properly belong to them, and to constitute themselves a mock Parliament. Nor did the Bill contain any provisions for putting an end to the publicity which was now found so detrimental. The silence of the measure on this head implied, he supposed, that the existing system was to be left untouched. Probably after that system had once been in force no Governor General, unsupported by Parliament, would venture to change it. From the reported speeches of the Government in both Houses he understood it to be their intention to leave things in this respect as they now were; and he could not find fault with them for coming to that determination, because, while he concurred with those who thought that Lord Dalhousie had made a great mistake in opening the doors of the Council to the public, still, when that had once been done, and when the people of India had become accustomed to know what went on in the discussion of measures, he greatly doubted whether it would be expedient to make any change, unless some other means were adopted by which a public discussion upon laws which were proposed might take place before those laws were finally passed. It appeared to him that under this clause they would have a body more numerous than the existing Council, probably more difficult to manage, and more inclined to extend its powers. He thought this would be a very dangerous result. Perhaps he felt the danger more from the circumstance that during the time he had the honour to hold the office of Colonial Secretary it was his duty to watch the proceedings of the Legislative Councils in some of the colonies; and his experience of the working of these bodies had impressed him with a strong conviction of the danger of their proceedings being in public. The additional Members were to hold their seats for two years, whether the Governor General desired it or not. Was it by any means certain that the Governor General would have it in his power to carry the measures he might propose? It it were understood that the official Members of the Council would in all cases support the measures of the Governor General, then the Legislative Council would cease to be a deliberative body. If they were to act together in the same way that in this country the Members of the Government in both Houses acted together it would be necessary that the measures to be submitted to the Council should have been considered by the Governor General and his Executive Council previously. But would there be no temptation to make speeches in the Council, addressed, not to the Members of it, but to the public of Calcutta and the public of India? Would there be no danger of weakening the Government and obstructing the Executive? If confidence among the Members of the Government as to the proceedings in the Council were shaken, it would be impossible for the Members to act in harmony in carrying on the executive service. He believed it to be absolutely essential that the opinions of the Council should be given in private. Publicity was impossible even for the most harmonious Cabinet that was ever brought together. Unanimity could not always be secured in Cabinets in this country, and in India the position of its members was very different. The gentlemen who held high offices in India had adopted the public service as a profession, had devoted their whole lives to it, and had risen to their high position by long service. It could not be expected that men in this position would forfeit all they had gained by the long labour of a life, by resigning office if they did not approve the measures of the Governor General. He was persuaded that in difficult times, and on questions that excited great public interest, it would be practically impossible for the Governor General to enforce support of his measures by the penalty of dismissal. These were insurmountable objections to the arrangement proposed by this clause. In the present state of society in India he believed it was impossible to establish anything like representative government. He thought the power of legislating should be concentrated in the hands of the Governor General and the Executive Council: but that power should be exercised, in the first place, subject to a responsibility to the Home Government and the Imperial Parliament, and, in the next place, he should be required to take such a course that public opinion in India might be declared on his measures before they were finally adopted. With these views he had ventured to propose the Amendment he intended to move. Its effects would be, in the first place, to leave legislation in the hands of the Governor General in Council. But he proposed that another body should be constituted, that for the want of a better name, should be called a Council of State, limited in number but still comprising as many members as might be found convenient, and consisting of men of the most distinguished character and station in India of different races and professions, so that the whole community might be fairly represented. From this body the Governor General should have the power of nominating Committees to inquire into any subject on which legislation might be required, and to prepare draughts of laws upon them. He further proposed that all draught laws which the Governor General thought were proper to be passed should, before being finally considered, be submitted to a meeting of the Council of State. That meeting he thought might, without inconvenience, be allowed to take place in public, and each member of the Council could freely express his opinion. He thought, also, that the nomination to this Council should convey honour and distinction; but his clauses contained no reference to precedence or dignity, because he thought honours should be conferred by the Crown, and not by Parliament. He also suggested that it should be in the power of the Governor General to refer to that Council any petitions presented to him in favour or against any draught law then under the consideration of the Government, and that the Governor General should also have power to authorize the petitioners, or other persons deputed for that purpose, to appear before the Council of State in support of their petitions. He further suggested that the Governor General should have power of calling together, in convenient places, those members of the Council who were unable to attend at the seat of Government, to consider proposed acts of legislation. Those members would be allowed to send in reports to the Governor General, showing what their opinions were upon matters affecting the general interests of India. Those were the principal features of the arrangement proposed by his clauses; but, if the general principle upon which they were based received the sanction of the House, he was quite aware that their form would require careful consideration. Some such arrangement had been suggested by an experienced and noble Friend, and also by the history of events that had occurred in a neighbouring country. Some of the greatest laws passed during the reign of the first Napoleon, and some of them were so beneficial that their enactment in some degree compensated for the harassing wars in which Napoleon kept France engaged. Those laws were mainly put into shape by the Council of State, a body which possessed no legislative powers, but was simply a consultative body. The precedent of that Council of State had suggested itself in this instance as quite applicable to the circumstances of India. He would only further remark, in reference to the Bill as it stood, that it imposed upon the Legislative Council two distinct, and as he thought, inconsistent duties. The Legislative Council was to inform the Governor General of any objections to measures proposed, and was also to have authority to pass those measures. There would arise this difficulty—that if that body were made sufficiently numerous and independent to enable them to bring before the Indian Government these objections, and, at the same time, were endowed with authority which the Governor General could not overrule, there would be a serious danger of the whole machine being brought to a dead lock. But if, without giving power to interfere, and reserving the ultimate power of the Governor General intact, it was provided that the functions of the Council of State should be confined to considering and reporting upon proposed measures of legislation, he thought they might without danger enlarge the basis of that body and admit a larger number of persons. That was the leading idea of the Amendments he should propose, and to which he invited their Lordships to give their sanction. The noble Earl then proposed the first of the following Amendments of which he had given notice:—

"To leave out from ('Governor General in Council') to the End of the Clause, and insert the following Words, ('there shall be appointed also a Council of State to assist in the Preparation and Consideration of such Laws and Regulations. The Governor General shall have Power to appoint from Time to Time such Persons as he may think fit to be Members of the Council of State, and also to remove the Persons so appointed; but all such Appointments or Removals shall be only provisional until confirmed by the Secretary of State for India in Council.')"

After Clause 10 to add the following Clauses (A.), (B.), (C.), and (D.)

"Clause (A.) It shall be lawful for the Governor General to direct the Council of State, or any Committee of that Body he may nominate for the Purpose, to inquire into any Subject on which Legislation may be required, and to prepare Drafts of Laws thereupon."

"Clause (B.) Except in Cases of Emergency the Drafts of all Laws intended to be passed by the Governor General in Council shall be submitted to the Council of State, and shall be considered by that Body at One or more Meetings to which all the Members shall be summoned. It shall be the Duty of the Council of State to report to the Governor General in Council their Opinion on the Drafts of all Laws so laid before them, and to suggest any Amendments which they may consider to be required therein."

"Clause (C.) It shall be lawful for the Council of State, with the Consent of the Governor General, to be signified by him in each Case, to take Evidence with regard to any Draft Law laid before them or any Amendment suggested therein, and likewise to hear Arguments in support of Petitions for or against any proposed Law by Persons appointed for that purpose with the Approval of the Governor General.

Clause (D.) If by reason of the Distance at which they reside any Members of the Council of State should be unable to attend conveniently at the general Place of Meeting, it shall be lawful for the Governor General to direct that such Members shall meet separately at any other Places he may appoint, to consider the Draft Laws laid before Council of State; and the Members so assembled shall be empowered to present District Reports to the Governor General in Council on the Drafts submitted to them."

EARL DE GREY AND RIPON said, the object which the Government had in view in framing the Bill of which this clause was a most important part was to make as few changes as possible in existing legislation in regard to India, and only to make those changes which those who had most experience of the working of the existing system pointed out as being required. The noble Earl (Earl Grey) had adopted another course, and proposed to establish a body of a novel character and without precedent in any previous system pursued by this country since we had acquired our Indian possessions, and, therefore, the noble Earl was bound to point out how the Bill was open to the serious objection of tending to perpetuate existing evils, and also that the remedy which he proposed would obviate those evils without creating others of greater extent. Unless that could be shown he thought he had a right to ask their Lordships not to assent to the Amendment. The noble Earl said that the changes which the Bill would make in the Legislative Council would not remedy the evils which were found to exist. By the mode in which the Act of 1853 had been workad, the character and powers of a little Parliament were no doubt conferred upon the Legislative Council; but there was nothing in the present Bill which tended to perpetuate that evil. On the contrary, care had been taken to render it most distinct, that the Government had no intention of establishing in future anything of the character of a Parliament. Moreover, the expression "Legislative Councillors," which occurred in the Act of 1853, was not contained in the present Bill; and to protect themselves against misconception in India the Bill laid down the precise limits of the questions which the Council were to entertain and the course which they were to pursue. The noble Earl complained that the Bill did not make any reference to the subject of publicity. The question of publicity only applied to the Legislative Council when it assembled for legislative purposes, and on that subject the Bill, no doubt, did not contain any provision. But power was left to the Governor General, with the approval of the Secretary of State, to frame the rules which should guide the Council at its first meeting, and after the full and recent experience which he possessed no one could be more competent to discharge such a duty than the present Governor General. To the objection that the Council, as proposed to be constituted by the Bill, would prove more unmanageable than the present Council he could only reply that the Members of the existing Council held their seats *ex-officio* and were appointed by other authority than that of the Governor General; whereas the additional members of the proposed Council would be selected by the Governor General and would hold their seats for only two years. The noble Earl remarked that, although he could see no great danger from a selected Council, a party might be formed against the Governor General which would render him unable to pass laws which he brought forward. It was scarcely possible to imagine a case in which the selected Members, one half of whom were to be persons actually in the service, would combine to defeat a Bill brought forward by the Governor General; but, if such a case did occur, it would afford tolerably strong grounds for supposing that it was not altogether desirable that the measure should be passed. But the Governor General need not, and in his opinion, ought not, to appoint the whole of those twelve members at once. The Bill gave him power to nominate not less than six nor more than twelve, and the probability was that a limited number would be appointed in the first instance, and power would be reserved, in case it became desirable to legislate for a particular part of the country, to call in persons capable of giving valuable information of a local character. The noble Earl said that the Council would be too much open to the influence of public opinion at Calcutta, and too ready to make speeches appealing to public opinion in this country and in India. What was the remedy proposed by those who took objections to the measure supported by the Government? They proposed to establish, apart from the Governor General, contrary to immemorial custom, and unconnected with his authority, a great Council of State, which was to deliberate in public, to have its proceedings reported, and was then to submit its recommendations to the Governor General. But was not an independent Council such as that suggested by the noble Earl much more likely to overpower the Governor General, and to force their opinions upon him, than a Legislative Council of the character indicated by the Government? This Council of State, according to the noble Earl, was to be composed of a large number of persons in high position, and of great weight, representing, as far as possible, the various opinions and interests existing in India, and enjoying the superadded importance of rank and standing. Were such a Council established one of two things would happen. Either it would have no real power, would be unable to influence the Governor General, and would find its opinions constantly disregarded—in which case men of weight and influence would decline to sit upon it, and as a deliberative body it would fall into desuetude and disgrace—or the much more probable result would ensue, that such a Council, being independent of the Governor General, having among its Members no representative of the Executive Government, and being invited to conduct its deliberations in public, would be enabled to submit its recommendations with such authority that, except in cases of great emergency, the Governor General would find it impossible to disregard their opinions. It was true that these Councillors were to have no votes; but public opinion would, under a system of open debate, give them an amount of control which was more likely to create than to avoid evils. Indeed, by their having no votes their responsibility would be diminished. This Council was to be responsible to no one. It was to be appointed by the Governor General simply for consultative purposes, and its Members ought, from its very nature, to say whatever they thought upon every measure which was submitted to them, without the responsibility which must attach to any one who had to give a vote, and so influence the decision at which the Government was to arrive. He, therefore, ventured, with the most sincere respect for the opinions of the noble Earl, and of those who were to some extent in favour of his Amendment, to submit to their Lordships that, instead of destroying the evils which existed under the present system, it would have a tendency to increase them; that, while the proposition of the Government was consistent with previous legislation and with the views of the Governor General, and of those who had had the most recent experience in India, this was an entirely untried system, which would launch them upon an unknown sea, where they would, he believed, meet with storms and perils much greater than any to which they would be exposed under either the existing system or that which it was proposed to establish by this Bill.

The Earl of ELLENBOROUGH said, that everything which his noble Friend (Earl Grey) proposed to do by a clause in this Bill the Governor General could now do, and he believed a great deal better, by his own authority. This was not an innovation, as the noble Earl supposed. It was a restoration. It was the restoration of the Government of Akbar. It was the restoration of the system of Government which was known to all India, which existed in every Native State, which possessed the affections of the people, and than which he believed that no more popular measure could be introduced, because it would be so identified with the ancient customs of the people of India. He should have no apprehension whatever as to the action of a Council of State composed as his noble Friend proposed to compose it. It was the only mode by which it would be possible to introduce any large number of Natives into a Council in consultation with the Governor General; and in his opinion the introduction of Natives to a great extent into the consultative Council of the Governor General was absolutely essential to the good government of the country and to its future tranquillity. Their Lordships really must consider the perilous condition in which, under any circumstances, we must stand in India. The circumstances of peril in which we had always stood had been infinitely increased by the late mutiny. There was now, he feared, between the Natives and the Europeans a feeling of hostility which might portend future disasters, and which it would require the greatest care and discretion on the part of the Government to allay. By adopting the course suggested by his noble Friend they would gratify the great body of the people, for whom we ought to endeavour to carry on our Government, and not altogether to rely upon the habits of the people of this country, but to look to the habits and feelings of those for whom we must govern. As regarded the plan of Her Majesty's Government, he would say this—that he had more than once in the course of his Parliamentary life had the misfortune—and it was a great one—to belong to a Government which did not command a majority in Parliament, and he was far from desirous to subject the Governor General of India to a similar misfortune. He felt perfectly convinced that, if the large number of additional Members permitted by the Bill were appointed, the Governor General would not have a reasonable expectation of carrying his measures in the Council. His noble Friend near him had assumed, and perhaps he was justified in assuming with regard to most subjects, that the Governor General would go into the Legislative Council sure of the votes of his own Executive Council and of the Lieutenant Governor of Bengal. Those votes amounted to six. The Commander-in-Chief would not be present, he was always with the army; and the Governor General had of late abstained from attending the meetings of the Council, and perhaps he was right in taking that course. One half of those who were to be appointed Councillors must be unofficial persons. Now, their Lordships could hardly be aware of the entire and absolute independence of the gentlemen of the Civil Service. They might depend upon it that they could not induce gentlemen of high character and station in the Civil Service to enter the Council if it was thoroughly understood that they were always to vote with the Government. There was no independent gentleman in India who would take the appointment upon that condition. They would be compelled to resign their situations; and if the Governor General obtained successors to them they would be persons of an inferior description, whose opinions would carry no weight, and who would, in fact, bring discredit on the Council. There were questions upon which even the Members of the Governor General's Executive Council could not be depended upon; and he was sure that means would be adopted by this Parliament of bringing forward all questions in some manner or another. As he told their Lordships the other night, there was an intensity of feeling not only upon the two questions as to the manner in which the Natives were to be treated, and how the interests of Europeans were to be maintained, but also upon the subject of religion, which made it impossible to depend upon the vote in the Legislative Council of a member of the Executive Council, even though he was a man who was perfectly reasonable on all other subjects. That was our real danger. The danger in 1851 was produced by the conduct of the Legislative Council with respect to religious questions. Let them not incur the same danger with a Council yet more unmanageable. He entreated their Lordships to recollect that they were legislating for India, and not for England; they were legislating for a country in which Englishmen might be counted by units, and the Natives, of two different religions, antagonistic to ourselves, by millions. They might depend upon it that there was danger at every step which we took, and that our only chance of avoiding it was to endeavour to conciliate the people and to act in compliance with their feelings and prejudices.

The Duke of ARGYLL said, he could hardly understand whether or not the speech of the noble Earl who had just sat down was intended to support the Amendment, for he had pointed out that what it was proposed to do by it could already be done by the Governor General by his own authority. He could not avoid asking his noble Friend who had moved the Amendment whether he expected to carry it, because, if it were carried, the greater portion of this measure must be entirely recast; and pointing out to him that he had not informed their Lordships how he proposed to deal with the Councils of Madras and Bombay, to the reconstruction of which a not unimportant part of this Bill was devoted. He must protest against the statement of his noble Friend that it had been admitted on all hands that the Legislative Council had been a total failure. On the contrary, it had been stated both by the Governor General and by the Lieutenant-Governor of Bengal that as regarded carrying on its legislative business the Legislative Council established in 1853 had been eminently successful, and they pointed to the statutes passed since 1854 as a sufficient proof that in that respect it had worked satisfactorily. He agreed with his noble Friend opposite that it had been proved to be most inexpedient that the Judges should be Members of such a body, because they were sometimes tempted to express opinions which involved serious risk and inconvenience to the Government. Another evil in the present system was that there was a tendency on the part of the Members of the Council to interfere with the executive acts of the Government. These were the two principal objections to the existing constitution of the Council, and both of these would be obviated by the present measure. As to publicity of discussion, his opinion was that the evils resulting from it had been much exaggerated, while there were instances where the publication of the discussions in the Council had been of eminent service. He could easily imagine that when the Government had been attacked by the local press it would be a great advantage to have the opportunity of defending their conduct in a public assembly, and there could be no doubt that the publication of the financial statements of the late Mr. Wilson and of Mr. Laing had had a salutary effect on the minds of the Native population, and especially of the European community. Lord Canning was of opinion that the present system of publicity would require to be modified in some degree if Native Members were admitted, as some of them might not be able to take part in *viva voce* discussion. It was provided that the proceedings of the Council should be checked by regulations framed by the Governor General, and it was also intended that the Government should have their own reports of the debates. The consequence of the Amendment of his noble Friend would be to transform the Executive Council into a legislative body, and to perpetuate the evils of the present system in an aggravated form. The Council would acquire enlarged powers and would be apt to gather within itself all the discontented elements which existed in

Indian society. His noble Friend opposite deemed the duty of passing a Bill inconsistent with that of objecting to one; but in his opinion anybody who possessed the one function ought to possess the other. An observation which he had made the other evening had been misunderstood. He did not mean to say that India was divided into two classes, one desirous of consulting the interests of the Natives and the other of promoting only their own commercial interests. A remark to that effect was made by a noble Friend opposite; and upon that he (Earl de Grey) said that the civil servants in India in the main represented that class among Europeans who were disposed most tenderly to consult the feelings of the Natives. Whoever knew anything of that body must acknowledge that to be the case. A circular which had recently been issued by the Landholders and Commercial Association of India showed the antagonism which prevailed between the planters and the Natives of Bengal. He had no doubt there were many planters who had as anxious a desire to respect the feelings of the Natives as their Lordships had, but there existed a contrary spirit among a great number of them, and the reason was plain—their interests were not identical. The English in India were not colonists. No Englishmen went to live and die in India, but every Englishman hoped to come back and spend the evening of his days here. Therefore, he (the Duke of Argyll) viewed with very fear the calling together of such an assembly as that pointed out by his noble Friend; and he was quite sure that whatever the danger of the Legislative Council, including in itself a small independent element, that danger would be very much exaggerated by the Amendment.

LORD DENMAN said, he believed that the Amendment contained useful elements.

THE EARL OF ELLENBOROUGH wished to ask the noble Earl (Earl De Grey) what would happen if any one of the unofficial Members should commit an act of bankruptcy? In most Legislative Assemblies there was a power of getting rid of such Members, but he did not see any such power here. Bankruptcy was not of unusual occurrence at Calcutta, and, as far as he could see, a Member might be bankrupt twice within two years and still be a Member of Council.

EARL DE GREY AND RIPON said, there was no provision in the Bill to provide for such a case as that alluded to, because it was supposed that the Governor General would take care to select such gentlemen as were not likely to be subject to such a contingency. The Government would, however, consider the point.

On Question, Amendment *negatived;* Clause *agreed to.*

Clauses 11 to 22 *agreed to.*

Clause 23 (Governor General may make Ordinances having the Force of Law in Cases of urgent Necessity),

THE EARL OF ELLENBOROUGH said, this was a most important clause. When the Act, which they were now considering, was originally passed some years ago, he suggested that it was absolutely necessary that the Governor General in Council, as then established, should have the power, under certain circumstances, of making a law without its passing through the Legislative Council. That proposal was not then adopted. It was adopted in this Bill. It was now proposed that the Governor General should be enabled to make no ordinance which for a limited period of time should have the effect of law. This opened a question of the gravest constitutional importance. The law had been that, whatever executive powers might be granted to the Governor General, he should have no legislative powers without the concurrence of his Council. It was the *Magna Charta* of India. It had been adhered to throughout, and he thought very beneficially. He was unwilling to trust, except under peculiar circumstances of emergency, to any individual man whatsoever—however much he might respect him, or whatever personal confidence he might place in him—the absolute power of making a law to bind a great empire, not only without the concurrence of his Council, but, perhaps, even without having consulted them. He did not consider it safe to give that power to any human being, nor did he believe it was generally necessary. If they gave the Governor General in Council the power to make an ordinance which would last for six months, until the pleasure of the Queen's Government was known, that would be quite sufficient to meet any misconduct of the Legislative Council. But, looking to the great dangers which might threaten India, he would reserve to the Governor General, under an exceptional state of things, the power of making ordinances which should have legal authority without the concurrence of his Council; yet he would provide that the power should be exercised under the same circumstances as the present power of the Governor General to overrule his Council. The Amendment which he should propose would be to insert the words "in Council," and to add these words, "and the Governor General shall have the same power of overruling the Council at meetings held for the purpose of making such ordinances as he now has by law at meetings held for any other purpose." His object was not to deprive the Governor General, who was solely responsible for the good government of India, of the power of making ordinances under extraordinary circumstances which should have the force of law, but to compel him so to act after deliberation, and after having consulted those who by law were given to him as his councillors. He desired deliberation before action. He did not object to action under those emergent circumstances, but he did not think it was right for Parliament to intrust to any man the power of making even a temporary law without taking full security that it should be done after due deliberation, and after consulting with his Council.

EARL DE GREY AND RIPON said, that as this power was of such an extraordinary character, and would only be exercised under circumstances of peculiar emergency, the Government had thought it most desirable, on the whole, that it should be confided to the Governor General alone, in order that he might be solely responsible for its exercise. It might happen, too, that at the time when it was necessary to exercise it the Governor General might be absent from his Council. He hoped, therefore, that the noble Earl would not insist upon his Amendment.

Amendment (by leave of the House) *withdrawn.*

Words inserted subjecting the exercise of the power to the restrictions contained in the previous clause.

Clause, as amended, *agreed to.*

Clause 24 *agreed to.*

Clause 25 (Laws made for the Non-Regulation Provinces declared valid),

THE EARL OF ELLENBOROUGH said, that this clause was intended to legalize certain acts done in the non-regulation Provinces as to the legality of which doubts had been expressed. The non-regulation Provinces were conquered countries, and it was the universal law that conquered countries, until they were regularly placed under the ordinary law of the country conquering them, remained under the direct authority of the Crown. These doubts were suddenly started in the Legislative Council by the Chief Justice, and it certainly was very extraordinary that, having acted as legal adviser to the Government for six or seven years, in his capacity of legislative Member of Council he had never informed the Government he served of the illegality they were committing.

Clause *agreed to.*

Clauses 26 to 49 *agreed to.*

Clause 50 (Provision for the Supply of the office of Governor General in certain Circumstances),

THE EARL OF ELLENBOROUGH said, that with respect to this clause, he quite concurred with the remarks made on the subject by a noble Lord who had occupied the position of President of the Board of Control (Lord Lyveden). From the earliest times of our connection with India, the rule had been that in the event of a sudden vacancy in the office of Governor General the senior Member of Council succeeded to all the powers exercised by the Governor General. Being necessarily a man of considerable experience he was accustomed to the manner in which business was conducted, he knew the policy of the Governor General, and no break would occur in the administration of affairs. It was now proposed to alter that rule, and to provide that the senior Governor of Madras or Bombay should succeed to the Government of India. It should be remembered that at one period of the year it took three or four weeks to get from Bombay to Calcutta, and though the latter place could be reached in a shorter time from Madras, it was evident that a Governor of one of the Presidencies who went to Calcutta must find everything new to him; and he would be likely to remain in the position only a very short time; neither of them would know anything of the persons by whom the business was conducted at Calcutta or of the policy of the Government; and it was evident that a very inconvenient interregnum would occur. When he was in India he urged earnestly upon the Government that they should appoint a provisional successor to the office of Governor General, and by such a course the evils likely to arise under this clause might be prevented. He hoped the noble Earl and his colleagues would reconsider the provisions of this clause, and turn their attention afresh to this particular subject.

EARL DE GREY AND RIPON said, he was quite disposed to consider the views of so high an authority as the noble Earl upon this subject, and promised that the clause should undergo the further consideration of the Goverment.

Clause *agreed to.*

Remaining Clauses *agreed to.*

Report of Amendments to be received on Friday next. [No. 199.]

PIERS AND HARBOURS BILL.

SECOND READING.

Lord CHELMSFORD moved the second reading of this Bill, which he said had received careful consideration in the other House of Parliament, and the object of which was to facilitate and encourage the construction and maintenance of piers and harbours. Great care had been taken not to encourage speculative undertakings, and precautions would also be enforced to insure that persons objecting to the schemes which were henceforth to be sanctioned without a local Act of Parliament should be properly heard. The Bill would form a useful supplement to the Government Harbours Bill, and he hoped their Lordships would allow the second reading.

Bill read 2ª, and *committed* to a Committee of the Whole House on *Friday* next.

House adjourned at half-past Eight o'clock, till to-morrow Twelve o'clock.

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HOUSE OF COMMONS,

Tuesday, July 16, 1861.

Minutes.] Public Bills.—2° Metropolis Local Management Acts Amendment; Enlistment in India; Indemnity; Ordnance Survey Continuance.

3° Offences against the Person; Municipal Corporations Act Amendment (No. 2); Salmon Fisheries; Parochial and Burgh Schools (Scotland) (No. 2).

IRREMOVABLE POOR BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 9 (Contributions to the Common Fund to be calculated according to the Annual Value of rateable Property),

Mr. HENLEY said, the Drainage of Land Bill had been on the paper till to day as the first order, and no notice of any change in the order of business had been given up to the hour of two in the morning, at which hour he left the House. The Drainage of Land Bill was not now on the paper, and the Irremovable Poor Bill stood first. He understood the change had been made after two o'clock in the morning, and many hon. Members were, no doubt, under the impression that the Irremovable Poor Bill would not come on for a considerable time. That he regarded as sharp practice. With regard to the Amendment of his right hon. Friend (Sir John Pakington), he was not prepared to discuss it as he thought it ought to have been discussed, as they were completely in the dark with regard to its operation throughout the country.

Mr. C. P. VILLIERS said, it was understood on the day before that the Irremovable Poor Bill would come on first today. The Drainage Bill had been put down first by mistake on the paper; but he might mention that it was known to the Members of the Poor Relief Committee yesterday that that Committee would not meet that day in consequence of the Irremovable Poor Bill being on the Paper.

Sir JOHN TROLLOPE said, that he knew nothing of the verbal arrangements, but he had come a long way to attend to the Drainage Bill, in consequence of seeing it first in order upon the notice paper up to the latter part of last week. He thought, therefore, they had a great right to complain of the transposition of the orders.

Sir JOHN PAKINGTON said, it was no excuse to say that a mistake had been committed. There ought to be a more orderly mode of conducting the business of the House. As far as he himself was concerned, his own Amendment, to add to the end of the 9th Clause—

> "Provided also that extra-parochial places which have, heretofore, paid no contributions to the common fund of the union in which they are comprised shall, notwithstanding anything herein contained, be hereafter exempt from such contributions,"

was now before the Committee; but had it not been for an accident he should not have been present to support it. He had looked at the votes that morning in order to ascertain whether the Irremovable Poor Bill was preceded on the orders by one or two notices, and then, to his great surprise, he found that the Bill stood first of all, and that if he wished to be present at the discussion of his own Amendment he must hurry down to the House.

Mr. C. P. VILLIERS said, it was an error to say that the mistake was not discovered till two or three in the morning. It was discovered at five o'clock in the afternoon.

Mr. HENLEY said, the mistake might have been found out by five o'clock, but it was not intimated to the House till between two and three in the morning.

Sir WILLIAM JOLLIFFE said, that all misunderstanding on this subject would have been avoided if the right hon. Gentleman (Mr. Villiers) had informed the House yesterday that it was his intention to bring the Bill in on that day.

Mr. KNIGHT said, he could not agree that his right hon. Friend the Member for Droitwich (Sir John Pakington) had made out any case in favour of his Amendment, and he, therefore, felt bound to oppose it.

Sir JOHN PAKINGTON said, he would leave his Amendment with the Committee, only observing that it was supported by the great authority of the right hon. Member for Carlisle (Sir James Graham) and the right hon. Member for Kilmarnock (Mr. Bouverie), and that the owners of extra-parochial places would suffer injustice if, having hitherto paid nothing for the support of the poor in those places, they were now compelled to contribute to the common fund.

Amendment *negatived.*

Mr. KNIGHT said, that upon that clause the whole of the Bill turned. It was, in fact, the introduction of a totally new principle in the administration of the Poor Law. The right hon. Gentleman the President of the Poor Law Board said that since the passing of the Irremovable Poor Act in 1846, the pressure on the towns had increased. But the fact was that all the large towns, except Liverpool, were paying less for the poor than they did before the Irremovable Poor Bill was passed in 1846. [A great equalization of the poor rate had been going on since the peace. For the ten years ending in 1822 the average poor rates for England and Wales was 2*s.* 5½*d.* in the pound; and up to the passing of the Poor Law Amendment Bill the rate was 1*s.* 10½*d.* in the pound. During the last few years it had been 1*s.* 1¼*d.* At the end of the French war many parishes paid in poor rates as much as 4*s.*, 5*s.*, 6*s.*, and even 7*s.* in the pound; at present most of these were under 2*s.* in the pound. In 1815 Sussex was the most burdened by the poor rate, paying no less than 5*s.* 0½*d.* in the pound; the lowest rated county, Northumberland, paid 1*s.* 1½*d.* in the pound. At present, or rather according to the last returns, the highest rated county was Wiltshire, where the poor rate was 1*s.* 10*d.*; the lowest rated, Derbyshire, paid 6*d.* The charge was false that the poor had been shifted from one class of parishes to another by pulling down cottages. He had tested the evidence given on this point by the census returns of 1851, and found that houses had increased in parishes where they were said to have been pulled down in order to drive out the poor. The fact was that it was found necessary to have the labourers living in the parishes in which they were employed; but it could be demonstrated that the villages and small towns from where labour was drawn increased in wealth enormously. The effect of small areas of rating was to spread villages and small towns all over the country, whereas large areas produced what he might call a congestion of habitations in one place. In the former case the labourers lived near to their work; in the latter they had often miles to go to their work. Mr. Darby, one of the Enclosure Commissioners, was examined before the Select Committee; and he stated that constant applications were made to the Commissioners to borrow money for the purpose of building cottages on entailed estates. It had been complained that while one parish paid 1*s.* 10*d.* in the pound another paid 10*d.* only. He denied that that was a grievance if the parish now paying 1*s.* 10*d.* formerly paid more; but if it was, he contended that the Bill would not cure the inequality of rating that now existed, for one union would still continue to pay double what was paid by another. He opposed the clause, for the equalization of the rates throughout a union was not a final measure. Evidently it was a stepping-stone to a national rate. No less than 9,000 parishes would be mulcted by the iniquitous operation of the Bill. When the grossest abuses of the Court of Chancery were swept away compensation was granted; but by this Bill it was proposed, without compensation, to take away from the present possessor of property one-tenth to one-eighth of his estate, and to hand it to some one else. The hon. Member for Sussex truly stated on the former occasion when the subject was discussed, that the area of relief was "neighbourhood." But was a union a neighbourhood? Why many unions comprised four, six, and even ten neighbourhoods. Let a man go to an overseer or a guardian and ask for relief; and what was the reply? Why, he was asked, "Where do you live?" "Twelve miles off." If that answer were given, clearly the officer would say at once, "I do not know you; I cannot relieve you; go to your neighbourhood where you are known." In the reign of Elizabeth the poor rates were at first imposed on petty sessional districts. The area was too large; and twenty-six years afterwards it was divided into parishes. Again, sixty years later, in the reign of Charles I., the Poor Law system was found not to work in the large parishes in the north and elsewhere, and a law was passed to divide them into smaller areas. And the same result had worked out in Ireland. Another effect of the Bill would be to do away to a great extent with the practice now followed of employing men rather than allow them to go upon the poor fund, and this would lead to a great increase of the rates. The Bill would not give satisfaction. The London parishes and others, including Norwich, complained that the three years' residence would prove highly injurious to them. He thought the London parishes were entitled to some consideration, and that a rate in aid or some other expedient should be resorted to in order to relieve overburdened parishes in London. The large town parishes were, generally speaking, unions in themselves. The present law of removability was most oppressive to the Irish. Where they became irremovable they were fixed for life. The moment they passed the parochial boundaries they became liable to be sent back to Ireland. The Bill, however, would remedy neither of these evils, and he would move the rejection of the clause.

MR. BARROW denied that this was the commencement of a system of parochial rating, for such a system commenced as long ago as 1834. [MR. KNIGHT: Charged on the parish.] The present Bill was intended to do away with a clumsy and unjust arrangement, by which under a system of averages one place was benefited at the expense of others. The charge for the common fund was not to be extended to larger areas than at present; it was simply to be levied on a new principle. It was not a question between town and country. It seldom happened that urban and rural parishes were combined in the same union. The complaints that were made were made by rural parishes in a country union, and by urban parishes in a town union. It had been urged that the Bill might increase the parochial burdens in some places to the extent of 2*s.* or 2*s.* 6*d.* in the pound. But the total amount of the poor rates was only 1*s.* 1½*d.* in the pound; and the irremovable poor were only one-third of the whole of the paupers. How, then, the imposition of 4½*d.* in the pound could cause a burden of 2*s.* or 2*s.* 6*d.* in the pound, he could not understand. He believed that the Bill would get rid of a great many of the inequalities which existed under the past system; and, therefore, he was anxious that it should pass without delay.

MR. HENLEY said, he was unable to support the clause. They were without sufficient information on the subject to enable them to judge of the effect of the change proposed. They could not be said to be acting on the recommendations of the Committee, for one of the principal recommendations of the Committee had been rejected by the House. He was surprised to hear his hon. Friend (Mr. Barrow) say that because the average rate for the poor in England was 1*s.* 1*d.*, therefore, there could not be an advance of 2*s.* or 2*s.* 6*d.* in any one parish. No one could deny that the changes proposed in the Bill would be beneficial to the poor; but when they were breaking down the statutable liabilities of 300 years they ought to know exactly on whom the burden was to be shifted. He thought, if there were injustice in the existing system, it would be better to suffer that injustice for another year rather than to shift the burden in a way which they did not fully understand. His right hon. Friend (Sir John Pakington) urged that extra-parochial places would for the first time be subjected to the poor fund; but there were other places that might be included in the same way—mines other than coal mines, for example. Now that this shifting of burdens was taking place the whole question of settlement ought to be inquired into, with the view of placing it on a more satisfactory basis. No one thought it was in a satisfactory state at this moment. With regard to the rural parishes, they were what had been called "breeding parishes." The women there bore ten, eleven, or twelve children, and the hive soon swarmed. Well, the young ones, when they grew up, went away, some of them to the four corners of the world, and some of them to the large towns of the country. But, although the towns derived the advantage of their labour, they did not acquire a settlement in the towns; for cases constantly occurred in which, in default of acquired settlement, the man or the woman, or their offspring, came back to the birth settlement one or two or more generations after the original migration. He thought that the Bill should be tried for one year only, in order that it might be seen how it would operate, and in order to give time for full inquiry into the present law of settlement.

Sir JAMES GRAHAM said, that it was he who was responsible for the first introduction of the change proposed. In the year 1845 he introduced a Bill making provision, not only for the irremovability of the poor, but frankly, on the face of the Bill, seeking to establish union settlement, and he made that proposal deliberately, and after full consideration with the authorities with whom he was connected. That Bill did not pass; but in 1846 he introduced a Bill of a similar nature, omitting the provision respecting union settlement. His belief was that the adoption by the Legislature of the principle of irremovability, especially when coupled with a union charge, would ultimately lead to the abolition of the law of settlement, as well as an enlargement of the area of rating, and he avowed that he thought those changes desirable. After he went out of office the Bill was proceeded with, and the present Speaker moved an instruction to the Committee that provision should be made for union settlement with respect to the irremovable poor. That instruction was carried out so far. In 1847 Mr. Buller moved for a Committee of Inquiry, and in that Committee the fullest inquiry took place. Indeed, he believed there never was a question so fully investigated and discussed as this had been. The Committee came to a Resolution declaring that the power of removing the poor ought to be abolished; but, what was more germane to the subject under discussion, they ruled also that the narrowness of the area of rating was a great source of evil, that it was desirable to extend the area of rating, and that unions formed the fittest area for that purpose. These were important decisions come to by hon. Gentlemen who were well able to judge, and after the fullest inquiry. It had been said that Mr. Buller changed his opinion. If so, the opinion of Mr. Buller must have been originally opposed to the extension of the area of rating, and the result of the inquiry must have been to lead him to the conclusion that the area of chargeability ought to be extended. When he (Sir James Graham) was connected with the Government of the Earl of Aberdeen, Mr. Baines, as head of the Poor Law Board, laid before that Government a Bill framed on the principles—a total abolition of the compulsory removal of the poor; an extension of the area of rating from the parish to the union; and an equitable establishment of a common fund based on an assessment of all rateable property. The hon. Member for Worcester (Mr. Knight) had referred to the fact that the unions in Ireland had been changed to electoral divisions; but an electoral division in Ireland, though less than the average of English unions, was much larger than an English parish. He must say that he believed nothing would so much benefit the poor of this country as the abolition of settlement. Every poor labourer should have the most perfect liberty to choose his place of residence where he pleased, and he believed that nothing would confer a benefit so universal or so great to the poor as the abolition of settlement. He admitted, on the other hand, that hasty legislation might be most unjust to those who had the burden of supporting the poor. He was of opinion that they must gradually approach to union rating, and coincidently with it to the abolition of settlement. If, however, he thought the present measure too violent as an approximation, or as a step in the direction of those objects, he would be unwilling to adopt it. But he believed that the measure was a gradual and safe advance towards what he thought was advisable, while it was not unjust in itself. For that reason he should support the Bill. He, at the same time, thought that the whole question of settlement and the irremovability of the poor must next come under the consideration of the Legislature. He was disposed to think that the area of rating should be extended to the existing unions, but, at the same time, was ready to admit that if difficulties stood in the way it might be judicious to act as they had done in the case of Ireland and adopt a middle course, taking an area that would not be so large as the union nor so small as the parish.

Sir WILLIAM JOLLIFFE said, he believed that the circumstances of the case justified the advance proposed to be made towards union rating. They had heard a great deal about the narrow end of the wedge being inserted, but the truth was that it was introduced by the minority of the Committee to which his right hon. Friend had referred, who brought in a Bill which led to the irremovable poor being placed on the common fund. He cordially supported the Bill, as he thought it would be highly beneficial to the poor.

MR. CAYLEY said, the right hon. Gentleman the Member for Carlisle had spoken with great caution as to the probable effects of the proposed change of taxation, and he hoped the Government would take warning from the tone of the right hon. Gentleman's speech. The effect of the proposed change would be to impose upon close parishes for the first time a tax of 3*s.* in the pound, a sum equal to 15 per cent upon the rack rent. Again, it required 15 per cent to bring the land into cultivation. Other charges amounted to 5 per cent. The management came to another 15 per cent. All these together amounted to 50 per cent. If then it was true, which he hoped was not the case, that the land of the kingdom was mortgaged to the extent of 50 per cent, the apparently occupying owner was really an occupant only on sufferance. He should like to know what practical acquaintance the right hon. Gentleman the President of the Poor Law Board had with poor rates, and he would ask whether he had ever paid poor rates in the course of his life? The law intended that the support of the poor should fall on all classes of persons within a parish. Then, on what principle did they impose the burden on one class only? A great shifting of the burden of taxation had been going on during the last two or three centuries. The statute of Elizabeth imposed the poor rate on every man; and stock in trade was exempted only by the annual exemption Bill. If they were going back to first principles in making changes, why not go back to the original principle of the law? He had no objection to the abolition of settlement and to the imposition of a national rate for the support of the poor, provided it was practicable. He believed, however, it was not practicable. The moment a national rate was resorted to, it would be found that they had launched into a sea of experiment and extravagant management. Believing that the clause would greatly increase the rates in many parishes, and would introduce in others a heavy charge for the first time, and believing that it contained one of the most direct attacks on vested interests ever made, he would give it his most determined opposition.

MR. WALTER said, that unfortunate 9th Clause seemed to be thought a convenient one for hanging all sorts of arguments upon, and he rose merely to hang another upon it, which, he thought, had been lost sight of in the present discussion. The right hon. Gentleman the Member for Oxfordshire had spoken of the shifting of burdens, and it was, no doubt, a proper subject of discussion under the clause. But nothing had been said of a considerable shifting of burdens that had already taken place in so many rural parishes by the rating of railways. He was not aware that any complaint had ever been made by landlords of the relief given to their parishes in consequence of a very heavy portion of the burden of supporting the poor having been thrown upon railways which passed through them. When hon. Gentleman spoke of the shifting of burdens, and of injustice being inflicted on certain parties, they should remember that no great measure of this kind could be passed without some shifting of burdens, and even a certain amount of injustice. It should at the same time be borne in mind that the shifting of burdens was no new principle in our legislation, but was one that had been frequently acted upon during the last twenty years.

SIR JERVOISE JERVOISE said, he considered that anything which would extend the area of the labourer's exertions would be an advantage. Serfdom had been abolished in Russia, and he thought they ought not to retain it in England. He believed the Bill before the Committee would be beneficial in that respect, and, therefore, he should support it.

LORD LOVAINE said, the question was not to be decided by the instances of particular parishes. It had been said that relief should be made as easy of access to the poor as possible. He believed that there could not be a greater curse to the poor than that relief should be made easy of access to them. What was wanted was that the deserving poor should be relieved in their distress. He regarded the present measure as an attempt to relieve the towns at the expense of the country parishes.

MR. ALDERMAN SIDNEY contended that as the management of the poor was in the union boards of guardians, the maintenance of the poor should be on the unions. In the Metropolis the want of a wider area of rating was to throw the support of the poor upon the poor. He believed that the law of settlement had very much to do with the strike in the building trades, because the men complained that, not being able to get residences near their work, they were away from home at least fourteen hours a day. He should support the clause.

SIR JOHN TROLLOPE said, the hon. Member for Berkshire (Mr. Walter) had referred to the rating of railways for the poor. It was only just that when a new description of property was raised up in a parish it should be subjected to the charge of the poor. A new element of rating was introduced, and it was only fair that it should be included. If, however, railways had been of advantage in one way to agricultural parishes they were a great drawback in others, for they were constantly drawing parishes into litigation, and entailing upon them heavy burdens, to the extent of hundreds, and sometimes thousands of pounds. He had certainly never heard before that the poor laws had anything to do with the strike in the building trades. He should be glad to know whether the right hon. Gentleman the President of the Poor Law Board intended to persevere with this clause after the comments which had been made upon it?

MR. CONINGHAM said, it should be considered that railways had no voice in the administration of the poor funds, and, besides, that they added greatly to the value of landed property in rural parishes.

MR. KENDALL urged that more time was required for the consideration of that large and important subject. He was convinced from his own experience that a union rating would lead to laxity of administration.

MR. NEWDEGATE said, he wished to put before the Committee the result of some recent experience which he had acquired. A committee of which he was a member had raised £40,000 to relieve the distresses in the ribbon trade at Coventry. and in the adjacent districts. They worked for some time by a central committee upon the numerical principle—he meant according to the population of each parish. He saw the principle fail. Without the test of individual responsibility they could obtain no security that imposition would not be practised. They, therefore, gave up the numerical principle. The Committee then obtained a census showing the number actually in distress in each district without reference to mere population, which was equivalent to value. They found that if they took that consideration only they would equally waste their funds and fail to do justice. He was convinced that if the committee adopted the principle of rating by value they would annul the sense of responsibility in the parishes, and lose all economical control, and that a great mass of irremovable poor would be located in several unions, in which the responsibility of individuals would be too small to induce exertion to prevent abuse. He, therefore, opposed the element of numbers alone, as he opposed the element of value alone, feeling convinced that the principle of the old law of Elizabeth, the union of the two, was the proper basis of legislation on the subject. It might be difficult, but the Legislature should not give it up on the ground of difficulty. He was convinced that a *maximum* rating ought to be adopted, and that being reached, all further proceedings should be in the nature of a rate in aid, which should extend over the union of which the parish, in which the rates had reached a *maximum*, formed a part.

Motion made, and Question put, "That Clause 9 stand part of the Bill."

The Committee *divided:*—Ayes 127; Noes 44: Majority, 83.

Clause *agreed to.*

MR. AYRTON said, he would propose a clause restricting the operation of the Act to five years. If found to be a wise measure it could be renewed.

MR. C. P. VILLIERS said, he had heard no reason given for adopting the clause, but he should not wish to oppose it if it were the wish of the House.

MR. CAYLEY said, he should support the clause. The clause on which they had just divided had been carried by a majority, not one-tenth of whom had listened to the discussion which took place, and who only came into the House when the question was put.

MR. POULETT SCROPE said, he hoped that no limit would be introduced into the Bill.

Clause *negatived.*

Preamble *agreed to.*

House *resumed;* Bill reported, without Amendment, to be read 3° *To-morrow.*

REMOVAL OF SCOTCH AND IRISH POOR BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 (Warrant of Removal to be signed in Petty Sessions, or by a Police Magistrate), COLONEL DUNNE said, that on behalf of his hon. and gallant Friend (General Upton), he would move to insert after "Ireland," in line 11, the words "or any place in Scotland to Ireland."

MR. E. P. BOUVERIE said, he must oppose the Amendment, on the ground that the machinery of the Bill was wholly applicable to England.

COLONEL DUNNE said, that some of the most cruel cases of removal took place from Scotland, and he should press the Amendment if the right hon. Gentleman did not give him some assurance that a measure would be introduced for dealing with the Scotch grievance.

MR. C. P. VILLIERS said, the machinery of the Bill would not apply to Scotland, and, therefore, he proposed to withdraw all reference to Scotland in the Bill. His learned Friend the Lord Advocate would, however, next Session, bring in a Bill to carry out the objects of the present measure with reference to Scotland.

MR. HENNESSY said, he must object to proceeding with the measure, which was one of great importance, in the absence of any Irish official.

MR. E. P. BOUVERIE said, he could not sufficiently admire the spirit with which his right hon. Friend the President of the Poor Law Board had promoted the Bill. It would be of great advantage to the Irish poor, and he thought the hon. Gentleman ought to thank his right hon. Friend for the perseverance which had enabled him to bring it to its present stage.

MR. MONSELL said, he believed it would be of great advantage to the poor of Ireland, and regretted that the case of Scotland had not also been proceeded with. He was satisfied, however, with the statement that a Bill relating to Scotland would be introduced next Session.

Clause *agreed to,* as were the remaining clauses.

House *resumed;* Bill *reported;* as amended, to be considered *To-morrow.*

ROYAL ATLANTIC MAIL COMPANY.

PETITION.

MR. CONINGHAM said, he rose to present a petition from Mr. George O'Malley Irwin, who claimed to be the original promoter of the Royal Atlantic Steam Packet Company, complaining of the manner in which the affairs of the Company had been conducted by Mr. John Lever, and charging against him various fraudulent acts in his capacity as managing director.

MR. ROEBUCK: Sir, I rise to order. I want to know if a libel such as that the nature of which we have just heard, ought to be circulated by means of a petition to this House?

MR. SPEAKER said, the hon. Member for Brighton was in order in stating the prayer of the petition.

Mr. CONINGHAM observed that perhaps the hon. and learned Member would allow him to finish, and he would see that the petition was not a libel. The hon. Member accordingly proceeded to read the petition.

MR. ROEBUCK: Now we know that that petition is a libel, and I want to know if a libel can be read in this House. This man has been in prison for nine months, and I want to know if such a petition as that can be received. I move that the petition be not received, and the reason why I make that Motion is this—

MR. SPEAKER: A petition is presented to this House on the responsibility of the hon. Member presenting it. The House is not acquainted with the contents of a petition until after it is presented, and, therefore, it is presented on the authority of the hon. Member who has it in charge that it contains no offensive matter, or matter that is contrary to the rules of the House. We have only heard the statement of the hon. Member, and if there be any question about the contents the petition the proper course is to move that it be placed in the hands of the clerk, and read by him at the table.

MR. ROEBUCK: Then, Sir, I move that this petition be read by the clerk at the table.

"Petition of George O'Malley Irwin, alleging certain Frauds stated to have been committed by the Managers and Officers of the Royal Atlantic Mail Steam Navigation Company, and praying for inquiry; and also that the Attorney General may be directed to prosecute John Orrell Lever, esquire (a Member of this House), and other Managers of the said Company, for participation in the said alleged Frauds."

—*brought up* and read.

Motion made and Question proposed. "That the said Petition do lie upon the Table."

MR. ROEBUCK: I am about, Sir, to move that that petition be not received. In the first place, I think the right to present petitions to this House on the part of the people of England is one of the most important that they can enjoy, but if it should be turned to the purposes of private malice it may become one of the greatest evils. Let me tell the history somewhat of this man. In the first place, he has been convicted of forgery, and has been nine months in prison in Ireland. He has brought actions against Mr. Lever, and all those actions have been rejected by the English Courts of Law. Now the whole of that petition is accusation, and I hope this House will not allow itself to be made an instrument to gratify the malicious propensities of any individual. I say, Sir, without taking up the time of the House, that this man is unworthy of credit. He has proved himself so. He is lying in gaol on an accusation of forgery, of which he was convicted; and I say that such a man as that ought not to have the power of giving pain to any hon. Member of this House. I, therefore, move that the House do not receive the petition.

LORD DUNKELLIN seconded the Motion.

Amendment proposed, to leave out from the word "Petition" to the end of the Question, in order to add the words "be rejected"—instead thereof.

MR. E. P. BOUVERIE: The petition, as far as I could collect from the reading, implicated the character and conduct of an hon. Member of this House. I think it would have been well if the hon. Member for Brighton, before presenting that petition, had given notice to the hon. Member concerned that he was about to do so, and that it contained a statement gravely implicating his conduct. I am not sure whether the hon. Member for Brighton took that course. I believe it is one not only in conformity with the usual practice of the House, but it is a simple rule of justice. The question now submitted to the House, however, is whether the petition shall be received or not. Now, as far as I can collect, there seems to be nothing in the petition which should induce the House to reject it. It is a statement implicating a Member of this House, and without saying anything about the accusations—I know nothing about them—the House should consider whether, supposing the statements were true, they would not receive a petition of the kind if it were expressed in proper language, although it might inculpate the character of a Member of this House. I apprehend we have but one course to pursue. The petition being presented by the hon. Member inculpating the character of another Member, and couched in proper language, is one which we are, I imagine, bound to receive; then it is our duty to ascertain whether there is any foundation for those charges or not. But I apprehend it is the duty of any hon. Member of this House, before he presents a petition inculpating so gravely the character of another hon. Member to ascertain that there is ground for making those charges and to be prepared to substantiate them, when the House, in vindication of the character of one of its Members, offers him the opportunity of so doing. I do not know whether the hon. Member for Brighton is prepared to do this. He has not given notice of a Motion founded on the petition, and I must say that an hon. Member who presents a petition of this character containing grave charges against the conduct of a Member of this House is bound to take the first opportunity of laying before the House the grounds upon which he has thought himself justified to bring such accusations. If it turns out, as we all must hope it will turn out with respect to the character of any Member, that such charges are unsubstantial and not founded in fact, and that there is scarcely sufficient *primâ facie* evidence on which to bring them under the notice of the House, then it will be a matter for the House to consider whether the hon. Member who brings forward these charges is not justly worthy of the condemnation and censure of the House. As far as the reception of the petition is concerned, I apprehend that in conformity with the usual practice, the petition not being worded disrespectfully or in unbecoming language, is one that we ought to entertain.

SIR JOHN TROLLOPE said, there was another matter that the House ought to take into its consideration. The House had delegated to a Committee an inquiry into the circumstances of the Atlantic Steam Packet Company. That Committee had diligently inquired into the subject, but had not yet reported. The Committee would, however, sit the next day for the purpose of considering the Report, and he thought it was hardly right that a petition involving so many circumstances connected with the question should be received until the Report was made. At all events he thought the hon. Member for Brighton ought to withdraw the petition until the Report was before the House. He might state that no charge had been made before the Committee to inculpate the directors of fraud or malversation, but he had seen a letter signed by the gentleman who signed this petition, not addressed to the Committee, but sent to a Member of that Committee, which contained many of the charges now before the House; but he (Sir John Trollope) thought the Committee exercised a wise discretion in refusing to enter into those charges, as they had not been referred to them. The hon. Member for Brighton would, he repeated, do well to withdraw the petition until the Report of the Committee was before the House.

LORD DUNKELLIN said, he wished to say a few words on behalf of an absent Gentleman, who was his colleague. He did not dispute that the knowledge of the practice of the House possessed by the right hon. Gentleman (Mr. Bouverie) was superior to his own, but he could not help dissenting from the rules laid down by the right hon. Gentleman as regulating the presentation of petitions. It was evidently impossible for him during the rapid although distinct reading of the petition by the clerk at the table to understand fully the extent of the imputations against his hon. Colleague. But what he knew of him who had signed the petition would make him very tender about believing everything he might put forward. He would undertake to say that if the House thought that such imputations, reflecting as they did upon the life and business habits of a gentleman out of that House, were matters for inquiry within that House, his hon. Friend (Mr. Lever) would not shrink from taking the full responsibility of his acts. He felt certain that if his hon. Friend had had any idea that such a petition would be presented he would have attended in his place. Meanwhile, as it was not the practice of the House to concern itself with the occupations or professional business of hon. Members out of doors, he should support the Motion of his hon. and learned Friend for the rejection of the petition, the presentation of which would do no credit to the House, nor was it calculated to increase the confidence which hon. Members were accustomed to place in those rules of justice and honour that guided the transactions of the House. He regretted that the hon. Member for Brighton had not first satisfied himself of the truth of the charges in the petition. That hon. Member was not lucky in the allegations he made against individuals. Only yesterday that hon. Member had "hinted a doubt and hesitated dislike" against a gallant and distinguished officer, and now he brought charges of dishonesty against an hon. Member of the House. He trusted that the House would mark its sense of the nature of the petition and the manner in which it had been presented, and that such charges would not be tolerated by the House.

SIR GEORGE GREY said, that when a petition of this nature was about to be presented to the House it was usual, in conformity with the courtesy due from one gentleman to another, to give to the hon. Member whose conduct was complained of notice of such intention, in order that he might be in his place and have an opportunity of meeting the charges contained in the petition. Under these circumstances he certainly thought that the hon. Member for Brighton would do well, seeing that a Report was to be presented on a future day, to withdraw the petition now. [*Some cries of* "No!"] Hon. Members said "No!" and assumed that, because the petition contained libellous matter, the House ought not to entertain it; but numbers of petitions containing libellous matter were presented. The newspapers published them and the speeches made in connection with them at their own risk; but the rule laid down by the House was that such petitions should be printed for the use of Members only, as the charges made might be groundless. He did not think that the House ought to reject the petition or to deny access to any petitioner who made charges which he stated he was prepared to substantiate. At the same time opportunity should be given to the Member of meeting the charges made against him. He would not say there was anything in the petition which required the cognizance of the Committee now sitting, but he thought the hon. Member for Brighton should not have presented it without giving full notice to the Member whose conduct it impugned.

MR. DISRAELI: Sir, it is important that the country should clearly understand that the reception of petitions by this House is not a matter of course. The presentation of petitions is the exercise of a valuable right to the people, and I hold the privilege to be of inestimable value; but it should be clearly understood that the House has the power of refusing the reception of petitions. In this instance, some grounds of objection may arise on the matter of the petition, and thus some hon. Gentlemen have stated as a ground for its rejection, that it is libellous. The matter contained in the present petition may be, as the hon. and learned Member for Sheffield says, utterly untrue and unfounded, but I confess I do not think that a sufficient ground for refusing to receive this petition. It is the duty of the House to listen to any charges that may be made against its Members, and I suppose that the first feeling of any Gentleman whose character and conduct has been assailed would be to throw no obstacle to the fullest investigation. Another ground of objection may be found in the manner of the presentation, and with respect to the manner in which this petition has been presented I do think very grave objections arise. Not merely a deficiency of that courtesy usual between Members has been shown by not giving notice to the Member whose conduct is impugned, or any public notice of the intention to present the petition, but it is impossible to shut one's eyes to the fact that weeks have now elapsed since the subject to which it related was matter of controversy and discussion in this House. The attention of the country has been drawn to it, and yet this Gentleman never thought it his duty to present a petition till now. And when is this petition presented? At the fag-end of the Session, when it is quite impossible, if it be desirable, that a Committee should be appointed to examine into the allegations. That is a course of conduct which the House ought not in any way to sanction, for it tends to show that the presentation of this petition is not invested with the *bonâ fide* and genuine character which a petition alleging such grave charges out to have. I think, however, that the House should be cautious in supporting a Motion for the rejection of a petition, and I, therefore, trust that the hon. and learned Member, who has properly called attention to the subject, will be content with the suggestion made that the petition should be withdrawn. I think that such a course will sufficiently show the sense of the House that in the presentation of a petition containing grave charges against an hon. Member there has been a want of that courtesy which should attend such a proceeding; and that, moreover, the petition has been presented under circumstances of delay, after the question has been under the consideration of the House, that are full of suspicion. I cannot condescend to go into the character or conduct of the petitioner. I have no doubt that in due course that will influence the opinion of the House and the country on the subject; but the manner in which the petition has been presented is not respectful to the House, nor has there been paid that deference to fair and honourable conduct which is desirable, and which we should be anxious to encourage. I, therefore, think that the petition should not be received, but I hope that the hon. Member for Brighton will withdraw it.

MR. GREGORY: As Chairman of the Committee which is now sitting, I may observe that we received an application from this person (Mr. O'Malley Irwin) to be examined, with a view to substantiate against the hon. Member and others connected with the Galway contract similar allegations to those which he has made in this petition. The Committee, having looked at the reference that was made to them, were of opinion that it was altogether out of place for them to consider these allegations, and they, therefore, refused to enter into them. I must call the attention of the House to the position we are in. I think the House ought to mark very strongly its disapprobation of the conduct pursued by the hon. Member for Brighton. Remember the position in which we stand. If an hon. Member is to come down to this House and make himself the vehicle of libel and slander, all I can say is that, under these circumstances, the character of every Member of this House is liable to be affected by any person, no matter how low his position in society, who chooses to hand a Member a petition affecting his character and fair fame. These things go abroad into the world, the Member is gibbetted before the public for doing things which may be, and which in this case I believe are, entirely false. A man brings charges of the worst and most degrading character, and they go abroad into the world before he has an opportunity of repelling them. I think the House ought to mark its sense of such conduct by rejecting this petition, and I certainly cannot congratulate the hon. Member for Brighton for having converted himself into a "lion's mouth" for the reception and venting of every charge which a person of bad character may choose to make.

MR. T. DUNCOMBE said, if there was one privilege or right which the people prized more than another, it was the right of petition. But it was the bounden duty of the House to take care that the right was properly used, and not abused. He knew nothing of the hon. Member against whom the petition was presented. But if the House received the petition they would constitute themselves a species of grand jury, and find a true Bill without giving the hon. Member an opportunity of inquiry into his conduct. If he understood the petition rightly, it contained serious charges against the hon. Member for Galway, and it asked the House to instruct the Attorney General to prosecute him for these matters. Now, if that hon. Member had been guilty of the frauds imputed, or the misconduct, that would not be the course which the House would pursue. It would not instruct the Attorney General to prosecute, but it would expel the Member—expulsion would be the proper course for such misconduct. He could not understand how it was that the hon. Member for Brighton had presented the petition without first giving notice of his intention to do so. He would not go into the question whether the petition was libellous, or whether the allegations were true, he would simply say that it ought not to have been presented, but having been presented simple withdrawal would not satisfy the justice of the case. The petition ought to be rejected altogether at the present moment. If the hon. Member should bring it forward at a future time, let him bring forward a petition properly worded, and give notice to the Member charged; and if the charges were true, let the Member be expelled from the House.

Sir STAFFORD NORTHCOTE: I wish to call the attention of the House to one point that has not yet been noticed, but which appears to me to have a material bearing on this case. Last year there was a Committee appointed to inquire into the circumstances attending the Galway packet contract, and after the Committee had made its report its attention was drawn to those charges which Mr. O'Malley Irwin made against Mr. Lever. The Committee thought that these charges ought not to be passed over. Mr. Irwin and other persons were examined with respect to them, and the Committee in their Report summed up the facts as they appeared in the evidence, and concluded by saying—

> "Your Committee having now set forth the whole facts of the case, deem it advisable to leave the matter to the judgment of the House without suggesting any opinion of their own."

The effect of this is that it cannot be said that these facts are now brought before the House for the first time; the House has had the opportunity if it had thought fit to use it to inquire into all the circumstances of the case. It has not so thought fit, but it is open to any hon. Member, with this Report before him, to make a Motion for further inquiry; but it is hardly fair to make an attack upon an hon. Member without notice on facts which are not new, and which the House, having the facts before it, has not thought fit to notice.

Viscount PALMERSTON: It seems to me that this matter involves to a great extent the privileges of the House of Commons and the duties of Members of Parliament. I cannot, however, admit that the fact that a petition contains grave charges against the character of any hon. Member—charges even amounting to a libel—ought to be held to be a good reason why the petition should not be received. I am, upon the contrary, of opinion that if any one of our number be guilty of any act disgraceful to himself personally and unbecoming his position as a Member of Parliament, it is rather the interest of the House that accusations made against him should be examined, while it is one of the material and essential privileges of the subject to be able to petition Parliament on any matter on which any individual may deem it desirable that his opinions should be submitted to its consideration. I do not, at the same time hold that an hon. Member is bound to present any petition which may be intrusted to him. No man has a right to come to me or to any other hon. Member and say, "I insist on your presenting my petition." It is the duty of every hon. Member to whom a petition is handed for presentation to ascertain by inspection, and inquiry, if necessary, that its contents are fit to be laid before Parliament; and, if the petition should happen to be one inculpating the conduct of any Member, I should deem it to be the duty of the person intending to present it to do two things—first of all, to satisfy himself by the most diligent inquiry that there was a *primâ facie* ground for the imputations which it contained, and, if he were unable to do that, to return the petition to the person from whom it emanated; secondly, in the event of his coming to the conclusion that just and sufficient grounds for the imputations existed to give notice to the Member against whom the charges were made, that on a certain day he meant to present a petition against him—thus affording him an opportunity of being in his place and making such a reply as he might have it in his power to make in refutation of the allegations embodied in the petition. Now, it appears to me that my hon. Friend the Member for Brighton has not, so far as any statement goes which I have heard from him, fulfilled either of those duties. He has not, so far as I am aware, told us that he himself has examined into the charges in question, or satisfied himself that there were *primâ facie* grounds for those charges being made. Neither does it appear that he has given Mr. Lever or any other person alluded to in the petition notice that he was about to lay it before the House. That being the state of the case, my hon. Friend would, I think, do well to take back the petition. He would, by adopting that course, be afforded an opportunity of informing himself somewhat better upon the subject, and if upon inquiry he should find that the matter of the petition is really such that the honour of the House is involved owing to the conduct of one of its Members, and that a serious examination of the charges made is necessary, he might bring the subject forward on some future occasion, having in the meantime given Mr. Lever due notice that it was his intention to take that course. I trust, therefore, my hon. Friend will either withdraw the petition, or that the debate will be adjourned.

Mr. CONINGHAM said, he wished at once to express his readiness to withdraw the petition in compliance with what seemed to be the wish of the House. He might, however, before he sat down, be allowed to say that of all the Members of the House the hon. and learned Member for Sheffield was the very last who ought to complain, as he had done, of personal attacks being made, inasmuch as no hon. Gentleman so freely used, or rather abused, the system of personal attack as himself. With respect to the remarks which had been made by a noble Lord who had taken part in the discussion (Lord Dunkellin), as to the course which he (Mr. Coningham) had on the previous day pursued in calling the attention of the House to the appointment conferred upon a gallant officer, he would only say that as a Member of Parliament he claimed it as a right to call in question the expediency of all important public appointments if he felt called upon to do so. ["Question, question!"] He trusted that as he had been attacked hon. Members would not interrupt him. It was contended by the hon. Member for Galway (Mr. Gregory) that in presenting a petition which was characterized as libellous he was doing a serious wrong to the character of an hon. Member, and suggested that the petition should, on that ground, be rejected. He would, however, venture to say, in reply to that suggestion, that if he were attacked in the same way as the Gentleman against whom the accusations were made, he should, so far from endeavouring to avoid publicity, urge the institution of the strictest and most searching investigation into all the details of the charge. He had, he might add, no personal knowledge of Mr. Irwin, and had received his petition only a few hours before. He found that Mr. Lever was absent, but having learnt that the petitioner had appealed to the Committee now sitting upstairs with the view of having the subject of the petition investigated; that the Committee had rejected his request to be examined on the subject, and that their labours were on the point of terminating, he looked upon the presentation of the petition as a matter of urgency. He was, he could assure the House, actuated by no motive whatsoever save a regard for the public interest in taking the course which he had pursued, and he was strongly of opinion that when hon. Members recalled to mind all that had occurred in courts of law and elsewhere on the subject there existed a *primâ facie* case on which the presentation of the petition could be justified. It was, he thought, for the interest of the House that the petition should be referred to the Committee upstairs and printed, while he was at the same time, as he had before stated, ready to withdraw it in compliance with what appeared to be the general wish.

Sir JAMES FERGUSSON said, he wished to refer to the course adopted by several hon. Members last Session, when charges of a nature to seriously affect his character had been made against himself, as one which was in accordance with the usual proceedings, under similar circumstances, of Members of the House and of gentlemen. The individual who made the accusations against him had, he might add, not been convicted of any crime, yet those Members to whom letters were addressed praying that the charges might be brought before the House were so good as to communicate with him whom those charges affected. He had disregarded the attack for some time, but, finding that it began to assume a serious character, he had instituted proceedings in a court of law, and the offender was sentenced to imprisonment and hard labour. In that case these hon. Members, to whom letters containing the charges against were addressed, had recognized the right of the person accused to have the earliest intimation given of the attack made upon him, and in the present case, in which the person from whom the petition emanated had had his veracity seriously impugned in proceedings which had taken place in a court of law, he thought the hon. Member for Brighton would have done well to follow the precedent to which he adverted.

MR. CRAWFORD said, he was on the Committee with the hon. Baronet the Member for Stamford (Sir Stafford Northcote) last Session, and from the knowledge he then acquired of Mr. Irwin, from his peculiarities and other circumstances, he should not have the slightest hesitation in accompanying the hon. and learned Member for Sheffield into the lobby on his Motion that the petition be not received.

SIR FRANCIS BARING said, that if the petition were not withdrawn he should be disposed to vote for the adjournment of the debate, inasmuch as he believed there was no substantial ground for rejecting the petition, whether hon. Members did or did not believe the charges which it contained. Protection ought not, he thought, to be thrown to so great an extent over hon. Members as to lead the House to the conclusion not to listen to complaints made by a person out of doors with respect to their conduct. He might also observe that the prayer of the petition was that Mr. Irwin should be heard before the Committee sitting, and, therefore, it had reference to a question under the consideration of the House. He thought it was a rather bold thing for hon. Gentleman to say that they would not receive such a petition. He admitted that the mode in which the petition had been presented was unusual, but he was sure that the hon. Member for Brighton had not adopted it designedly. It was true, as the hon. Member for Stamford (Sir Stafford Northcote) had stated, that some inquiry took place about these transactions before the Committee last year. He had not had time to examine the petition for the purpose of ascertaining whether it contained additional matter, but he was bound to state that after the evidence given last year by Mr. Irwin, who was undoubtedly a very peculiar gentleman, a very considerable change took place in his mind and in the minds of several other Members of the Committee, as the House would see from the Report, which in its first shape was not exactly the same as it was before Mr. Irwin appeared before the Committee. He should be sorry if the House were compelled to divide, but if the question came to be whether the petition should be rejected or not, he should feel it to be his duty to vote against its rejection.

LORD JOHN RUSSELL: There are two very different questions involved in this case, which, as it appears to me, some hon. Gentlemen have confounded together. One is, whether the petition should be received; the other, what course the House should take upon it. You might receive the petition, and yet see fit to reject its prayer. The hon. Member for Finsbury (Mr. T. Duncombe) has said truly enough that the House would never think of directing the Attorney General to prosecute in this case. I may say, moreover, that I should not think of voting for a proposal to refer the petition to the Select Committee on the Galway contract, because I agree with the Members of that Committee in thinking that the subject of the Petition is totally different from that which has been submitted to them for consideration, and that, therefore, it is not in their power to investigate it. But these questions are totally different from the question whether the petition ought to be received. What my noble Friend at the head of the Government said was perfectly right, that the hon. Member for Brighton ought to have given notice to the Member inculpated that he had been asked to present a petition containing grave charges against him—charges affecting his personal character; and I think the hon. Member ought to to have given notice to the House likewise. The hon. Member has accounted in some way—though I must say not satisfactorily—for his omission in this respect. He has pleaded urgency as the reason why he could not take the course I have suggested. I do not think that is a sufficient reason. However, he has now offered to withdraw the petition, which I hold to be the right course for the House to adopt. [*Cries of* "No, no!"] It seems to me that saying you will reject a petition of this sort is to say that a subject has no right to come to this House making charges against one of its Members. Now, undoubtedly, that is a right of the subject. The House may deal with the petition as it pleases. It may find that the charges are frivolous; it may censure the hon. Gentleman who has presented the petition, and it may pass a resolution in favour of the Member inculpated; but to say that no subject of this realm shall present a petition inculpating a Member of this House does seem to me to be throwing an immunity over Members of the Legislature to which they are not entitled.

Mr. SPEAKER: The hon. Member for Brighton having offered to withdraw the petition, the first question I have to ask is whether the hon. and learned Member for Sheffield will withdraw his Amendment?

Mr. ROEBUCK: I will not, Sir.

Mr. G. W. HOPE said, it appeared to him that the charges contained in the petition were different from those which were referred to the Select Committee of last Session. The question before that Committee was one affecting the conduct of public officers of the Government. It appeared that Mr. Lever had contracted to give a large sum of money to Mr. Irwin and Mr. Holmes in the event of his succeeding, through their means, in obtaining a subsidy for the Galway Packet Company. That agreement was clearly proved before the Committee, and then the question arose whether the money was not intended to be given for the exercise of improper influence on the part of Mr. Irwin and Mr. Holmes. The whole evidence was directed to that point. There were no general charges of fraud such as those contained in this petition, no request that the Attorney General should be instructed to prosecute. Mr. Irwin came forward last year to establish his right to the sum of £10,000 which Mr. Lever had contracted to give him. That contract was said to affect the validity of the transactions with the Government. The Committee, seeing that the affairs of the Galway Company had passed into other hands, did not feel themselves bound to make any recommendation to the House on the subject; but at the same time he was clearly of opinion that no question of fraud committed by Mr. Lever was concluded either by the Report of the Committee or by the evidence taken before them.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 84; Noes 75: Majority 9.

Question again proposed, "That the said Petition do lie upon the Table.

Mr. SPEAKER said, he had then to put the question that the petition do lie on the table.

Lord John Russell

Mr. CONINGHAM said, he would beg leave to withdraw the petition.

Mr. BRADY did not think the hon. Member for Brighton deserved much credit for the step he had taken. An hon. Member before presenting any petition was bound to look to the character of the person from whom it had emanated. The character of the present petitioner was well known in all the courts of justice. The time of the House had, therefore, been misspent in considering a petition coming from such a source.

Motion, by leave, *withdrawn*.

Petition *withdrawn*.

MANAGEMENT OF THE DOCKYARDS.

QUESTION.

The Earl of GIFFORD said, he wished to ask the Secretary to the Admiralty, Whether any steps have been taken to carry out the Recommendations of the Royal Commissioners upon the Control and Management of the Dockyards, so far as those recommendations relate to the accounts of those Establishments, and to the placing of the Department of the Storekeeper General under the Control of the Controller of the Navy; and, if so, whether he had any objection to lay upon the Table of the House a Copy of any Board Minutes which may have been written, or of any Instructions which may have been sent, to the Dockyards upon those subjects?

Lord CLARENCE PAGET in answer to the question of his noble Friend, begged to state that the Admiralty, in accordance with the recommendation the Royal Commissioners upon the Control and Management of the Dockyards, had given directions that the accounts of those establishments should be placed under the Accountant General of the Navy. Instructions have been issued to that effect, and there would be no objection, if moved for, to place copies of them on the Table. With regard to the other part of the question, the placing of the department of the Storekeeper General under the control of the Controller of the Navy, he had to state that that was a matter which, having reference to the organization of the Admiralty itself, would no doubt be a subject of consideration before the Select Committee on the Admiralty next Session.

GREENWICH HOSPITAL BILL.

QUESTION.

Sir JOHN PAKINGTON said, he wished to put a question to the noble Lord the

Secretary of the Admiralty with reference to this Bill, which stood fifth among the Orders of the Day. That Bill was likely to occasion much discussion, and he wished to know what course the Government intended to take in regard to it?

Sir JAMES GRAHAM said, he did not know what priority would be given to any of the several measures marked on the Paper as first to be taken by the Government; but he thought it would be convenient to the despatch of public business if the second reading of the Bill to which the right hon. Baronet alluded were at once fixed for some day when there would be an opportunity for mature discussion.

Lord CLARENCE PAGET said, it was his intention to have brought on this Bill, if there had been an opportunity of doing so, before a very late hour; but in consequence of a communication which his noble Friend the Duke of Somerset had made to him to-day, he thought it more desirable not to bring on the second reading till Thursday next. He proposed, if he had the opportunity, to bring on the Bill on Thursday evening; and, if other important business prevented his doing so, he proposed not to proceed with the Bill during the present Session.

Sir JOHN PAKINGTON said, he wished to know after what hour on Thursday the noble Lord would not proceed with the Bill?

Lord CLARENCE PAGET said, he would not bring it on after 11 o'clock.

BANKRUPTCY AND INSOLVENCY BILL.

OBSERVATIONS.

Viscount PALMERSTON: I promised to state to the House this afternoon what course we mean to pursue in regard to the Bankruptcy Bill. There are three main points in which the Lords have made Amendments to that Bill. One is as to the appointment of the Judge; another is the substitution of official assignees for the creditors' assignees; and the third is as to the retrospective operation of certain clauses of the Bill. What we mean to recommend to the House is to agree with the Lords' Amendments in regard to the Judge; in regard to the assignees, we must prefer the creditors' assignees. We have no proposal to make to the House in regard to the third point. I should also state that we mean to have a morning sitting on Thursday for the purpose of going into Supply, and it would be very convenient for the despatch of business if hon. Members would abstain on that day from making preliminary Motions, so as to allow us to make as much progress in Committee as possible.

Mr. DISRAELI: The noble Lord has not stated on what day he proposes to take the Lords' Amendment on the Bankruptcy Bill into consideration.

Viscount PALMERSTON: On Thursday evening.

CASE OF COLONEL HENRY.

ADDRESS MOVED.

Colonel NORTH said, he rose to move that an humble Address be presented to Her Majesty, that She would be graciously pleased to grant the pension of a major, in place of that of a captain, to Lieutenant-Colonel Henry, Royal Artillery, who had lost his arm when in command of an important battery before Sebastopol, he holding at the time the rank of brevet-major, which rank had been conferred upon him for distinguished conduct in the field; and to assure Her Majesty that that House would make good the same. Colonel Henry had performed the most distinguished service while in charge of a large and important battery which was placed in advance during the arduous siege of Sebastopol, and upon which the whole force of the Russians was turned. On the 17th of August, 1855, he had, while in command of that battery, had his right arm carried away by a round shot. His Royal Highness the Commander-in-Chief, who had been an eye-witness of the operations in the Crimea, in a letter which he had written, stated that "not only were the duties which Colonel Henry performed on the 17th of August, 1855, equal, but if anything superior to those of a field officer of infantry." The battery under Colonel Henry threw in upon the enemy nearly 1,000 32-pound shot in one day. On the 17th of November his Royal Highness the Commander-in-Chief again wrote that "Lieutenant-Colonel Henry's name was omitted to be placed on the roster of field officers when he received the brevet of major for distinguished service. Had that omission not occurred, Lieutenant-Colonel Henry would have been detailed as a brevet-major for the identical duties which he performed on the day he lost his arm." His Royal Highness recommended this case as one of peculiar hardship, and stated that Colonel Henry "was only prevented from serving as a field officer by the impossibility of other corps sharing in the professional work of the Royal Artillery, and that his duties as captain of a large and important battery in the advance were quite equal, if not superior, to those of a brevet-major of the Line." Sir Robert Dacres, who commanded the Artillery in the Crimea, as well as other competent military judges, had also given their testimony that Colonel Henry was a brave and most meritorious officer, and every way entitled to the boon which the present Motion sought to confer on him. He trusted, therefore, that the House would take the matter into their consideration.

Sir DE LACY EVANS said, he never knew of a case which seemed to him better worthy of consideration. He had not the the pleasure of knowing Colonel Henry, but he knew that the gallant officer stood very high in the estimation of his corps. He was persuaded that the decision which had called for the Motion did not originate with the heads of the department. He thought the warrant was a fair and liberal regulation, but who was it who had interpreted the relative duties of the several ranks to which it referred? He had had some experience of services rendered in the field, and he could say, without hesitation, that Lieutenant-Colonel Henry's services were greater than those usually performed by field officers. He (Sir de Lacy Evans) was not an artillery officer; but, without making any invidious distinction in its favour as against other branches of the service, he must say that it was probably the most distinguished corps in the army, and entitled to high consideration. The question was one, however, which affected the whole of the army. The noble Lord the Secretary for War was not now in the country—they all lamented the cause—but as there was evidently some mistake, he hoped the noble Lord at the head of the Government would give some explanation on the subject.

Mr. T. G. BARING said, he must, in the first place, beg to inform the hon. and gallant Colonel who had brought the matter forward that he was mistaken in supposing that the case of Lieutenant Colonel Henry had not been brought under the notice of the noble Lord the Secretary for War. It had been brought under the noble Lord's notice on several occasions; and the papers showed that he had gone very carefully into the facts, and given a very decided and deliberate opinion on the claim itself with a knowledge of all the circumstances. Before going into the merits of the case itself, he would beg the House, and also the right hon. Gentleman in the chair, to consider whether, under all the circumstances of the case, it was in order that the Motion should be put to the House, involving as it did an expenditure of public money. The hon. and gallant Member (Colonel North) had not put the Motion in terms similar to those in his notice. The question of order was too important to be passed over. In all cases involving the expenditure of public money, it was the order of the House that two opportunities of considering such question should be afforded; first, on the Motion that the House should resolve itself into a Committee to consider the case; and then, in Committee, upon a Motion for an Address to the Crown, praying that such a pension should be directed to be granted, and assuring her Majesty that the House would make good the same. The position of the hon. and gallant Gentleman was, in his opinion, therefore, clearly wrong, for his Motion had been made and seconded for an expenditure of public money contrary to the rules of the House. With respect to the Motion itself, he thought the House must feel that it would be extremely unadvisable for it to pronounce a judgment on individual cases contrary to the rules of the service. The hon. and gallant Colonel was himself the originator of the Pension Warrant. It was drawn up in consequence of some changes which he had advocated, and the hon. and gallant Gentleman expressed himself perfectly satisfied with its terms; yet he was the first man to bring the authority of the House of Commons into play in order to break through it. [Colonel North: No, no!] He would show that the Motion would have that effect. The case was a very simple one. Clause 10 of the warrant declared that, as a general rule, the pension or gratuity should be granted according to regimental rank, but that should any officer, with or without brevet rank, have been employed at the time he was wounded in the discharge of duties superior to those attached to his regimental commission, the gratuity or pension should be in accordance with the regimental rank immediately above that held by him at the time. Under that clause, if a captain was discharging the duties of field officer he would be entitled to the pension of a field officer; but that was not the case made by Lieutenant

Colonel Henry himself, for in one of the first letters, if not the first, from him on the subject, he stated that, though not performing the duty of a field officer at the time he received his wound, he was, nevertheless, induced to lay claim to the pension. It, therefore, appeared clear from Lieutenant Colonel Henry's own letter that he was not performing the duties of a field officer, but those of a captain of artillery. He must at the same time observe that there was not the slightest intention on the part of the War Office to disparage the services of Lieutenant Colonel Henry, who had done his duty well and gallantly, and was entitled to all the consideration due to officers who were wounded in service. He had received the usual gratuity of a year's pay, was transferred to the Horse Artillery, and received £100 per annum for the loss of limb. Lieutenant Colonel Henry was at that moment doing his duty and receiving his full pay in the Artillery, and he also received £120 a year for commanding the riding school department. Under those circumstances he hoped the House would arrive at the conclusion that that was not a case in which they ought to interfere with the War Office in the interpretation of a warrant which applied to the claims of so great a number of officers. Perhaps the hon. and gallant Member would not object to state how he came into possession of the documents from which he had read extracts, and which he Mr. Baring believed were portions of the correspondence that had passed between the General Commanding-in-Chief and the War Office in respect to this case. [COLONEL NORTH: They were sent to me. Does the hon. Gentleman deny their authenticity?] He did not dispute their accuracy, but he was not aware they had been moved for or laid on the table of the House or furnished to the hon. and gallant Colonel from the War Office, and he would add that he felt certain that his Royal Highness the General Commanding-in-Chief had not given any authority to any one in his office to publish such letters. The documents, moreover, gave an imperfect idea of the correspondence, and omitted all notice of the objections of the War Office. It was for the Secretary of State for War to decide upon all matters of expenditure, and it was not because claims were put before him in a favourable point of view that he was, therefore, bound to admit their justice.

MR. SPEAKER said, that having been appealed to on a point of order he was bound to give his opinion. The Motion of the hon. and gallant Member for Oxfordshire, as it appeared on the paper, was not one which he could with propriety put from the Chair, because there was a Standing Order of not less than 200 years' standing which said that no Motion for any public aid or charge should be presently entered upon, and that they should not proceed to discuss any demand for public money on the same day it was made. He had pointed out the informality to the hon. and gallant Member, who has thereupon altered the form of his Motion. He could not say that the Motion was not in order in that form; but the hon. and gallant Gentleman laboured under the disadvantage of proposing a Motion which in effect pointed to the words which had been left out, and which were themselves irregular.

CAPTAIN JERVIS said, he could not regard the question as one of money, but one which affected the whole of the Ordnance corps. When the army was ordered to the Crimea there was such a want of artillery that a captain of artillery, though a field officer by brevet could not be spared to carry on the duties of a field officer. Could it, therefore, be supposed that it was the intention of the Secretary of State that the Ordnance corps should be debarred from the benefit of the Pensions Warrant? The General Commanding-in-Chief, it appeared, stated that Colonel Henry had virtually fulfilled the duties of a field officer. [MR. T. G. BARING: The General Commanding-in-Chief does not say that Colonel Henry performed the duties of a field officer.] In the letter read by his hon. Friend his Royal Highness gave it as his opinion that Colonel Henry had duties to perform greater than those performed by an ordinary field officer. It was well known that the letter read by his hon. Friend was written by Sir Charles Yorke, Military Secretary to the Commander-in-Chief. Colonel Henry had performed the most distinguished services in the Crimea, and his name had been held up to the approbation of the army by the general in command before Sebastopol. On the day he received his wound he had been ordered to draw off the fire of the Russians, and in doing so he fired 1,000 rounds of heavy shot—an action in itself. No stronger case, therefore, could be presented than that of Colonel Henry. And as he was the only officer of Artillery in the Crimea or India who survived the loss of a limb, it could not be said that in granting his claims the country would be put to expense for other claimants. With reference to what fell from the Under Secretary for War, he (Captain Jervis) begged most emphatically to deny on the part of Colonel Henry that this question had anything to do with pounds, shillings, or pence, it was a point of military honour. Was Colonel Henry when he received his wound doing duties equivalent to a field officer's, or was he not? The Commander-in-Chief said he was. The Secretary for War said he was not. But who was the proper authority on such a subject, surely the military one. He trusted, therefore, the House would assert the principle that the civil authorities should not confine themselves to the mere wording of the warrant, but should be guided by what was the real intention of those who drew it up.

Colonel NORTH said, he supported the Motion. The opinion of his Royal Highness the Commander-in-Chief on this matter ought to have been attended to. He was burdened with all the disagreeable duties of holding courts-martial on officers, but had no voice in rewarding them. He could not but express his regret, therefore, that the hon. Under Secretary for War should have opposed the Motion on a mere quibble as to whether the Motion was rightly drawn or not, when it involved the case of one of the most distinguished officers which the country had produced, and who had been fearfully maimed in the service of his country. He should certainly take the sense of the House on the Motion.

Viscount PALMERSTON said, he hoped the House would consider well before it acceded to the Motion. It was no part of the functions of the House of Commons to administer the details of any department of the Government, and least of all would it be expedient that the House should take into its hands the administration of the military branch of the public service. It was obvious that if it were once understood that an officer whose claims, whether for promotion, or honours, or pecuniary allowance, had not met with the approbation of the responsible officer of the Government, who was answerable for the grants on the subject, could obtain the aid of some influential Member of the House, capable, either by his force of speaking or his position, to give effect to his claim, and that these matters could be made the subject of private canvass in the House there would, in the first place, be an

end of all proper discipline in the army; and in the next place, no limit to the expenditure of public money. If one case was brought forward on very peculiar grounds, and in a manner to enlist the sympathies of the House, a precedent would be established, and upon that precedent other cases of the same nature, though, perhaps, not so strong, but coming within the same limit, would be submitted to the House and argued, and it would be quite in vain for the War Department to establish regulations and try and administer them, if exceptions from those regulations were forced upon them by debates and Motions. The hon. and gallant officer said it was extraordinary that the opinion of the Commander-in-Chief, whether here or abroad, should not be taken on the construction of a financial regulation; but, having been for many years the Secretary at War, he knew it was a fundamental maxim that then the Secretary at War (and the Secretary for War now occupied, of course, the same position) was the Financial Minister alone responsible for these grants, and for the interpretation of all regulations involving grants, though, of course, he would naturally pay great attention to military authority as to the conduct and merit of officers. Consequently, he could not admit that, after his noble Friend at the head of the War Department had repeatedly and deliberatedly examined this case, and come to the conclusion that it did not fall within the regulation, his opinion was to be set aside in consequence of other views taken by military officers. It might be right or not that the regulation should be altered so far as regarded the Artillery service; but, so long as the regulation remained unaltered, it was the duty of the Secretary for War to interpret the regulation according to its letter and spirit. A letter written by Colonel Henry had been read, stating that the service he then performed was the service of a captain; and how, therefore, could the head of the War Department set aside that allegation. Notwithstanding the sympathy which the House might feel for the gallant officer in question who had performed such distinguished services, he must say that it would set a bad precedent if it took upon itself to administer these rules and regulations instead of leaving them to be carried out by the public servants responsible to Parliament and the Crown.

Colonel DICKSON said, the meanest subject of the realm could bring his grievance before that House. Why, then, should an officer in the army be debarred from doing so? He would admit that, if the warrant was read literally, Colonel Henry was not entitled to any pension beyond that of of a captain, but it would be a gross injustice to place him in that position. The neglect of such claims as had justly been made by Colonel Henry, had caused wide dissatisfaction in the army at the weak manner in which the interests of deserving officers were supported against the innovations of the War Office. Officers in mere connection with the War Office, who had never seen a shot fired, or who had not seen as much service in their whole lives as Colonel Henry had seen in three months, were in receipt of large incomes, while under the warrant a most distinguished officer was refused that to which he was clearly entitled. He felt assured that if that state of things continued it would ultimately lead to results in connection with the army that would be greatly to be deplored.

Motion made, and Question put,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to take into Her most gracious consideration the case of Lieutenant Colonel Henry, Royal Artillery, who lost his arm when in command of an important battery before Sevastopol, he holding at the time the rank of Brevet Major, which rank had been conferred upon him for distinguished conduct in the field."

The House *divided*:—Ayes 34; Noes 63: Majority 29.

PESTH CONSULSHIP.

ADDRESS MOVED.

MR. T. DUNCOMBE said, he rose to move that an Address be presented to Her Majesty, praying that She would be graciously pleased to give directions that steps be taken to enable Her Majesty to appoint a Consul at Pesth. The position of the town of Pesth as a place of commercial importance had become greatly altered since the navigation of the Danube had been rendered more free by the operation of the arrangements entered into at the Congress of Paris in 1856. He had, he might add, on a former occasion, asked the noble Lord the Foreign Secretary whether he intended to appoint a Consul at Pesth, and his answer had been that he did not think the town stood in need of the appointment. The noble Lord had also on the same occasion stated that Mr. Dunlop had been withdrawn from Pesth at the request of Austria, but the very fact that Mr. Dunlop had been there for seven months appeared sufficient proof that diplomatic agency between us and that part of the world was required. Mr. Dunlop had been sent to Pesth by the Embassy at Vienna, to which he was attached, at the request of the Government, with the view of furnishing information to them with regard to what was going on in Hungary, and he had, he believed, during the period which he held office not only obtained the respect and esteem of all with whom he became acquainted, but had also supplied the authorities at home with most authentic reports—reports, however, which Austria did not like, as she feared they might create an unfavourable impression in this country with respect to her conduct towards her Hungarian subjects. Be that, however, as it might, the appointment was one of importance, as hon. Members would readily admit when he told them that Pesth and Buda, which were separated from one another only by a river, as in the case of Southwark and the City of London, and which, therefore, in reality constituted a single city, contained a population of not less than 300,000 inhabitants. Pesth had also a Chamber of Commerce, and steamboats without end; while he found, from statistics which had been furnished him from that quarter, that the population of that town, which had in 1780 been only 13,000, had in 1800 increased to 30,000, in 1850 to 83,000, and in 1857 to 136,666 persons, Buda being on the opposite side of the river, with a population as large. Notwithstanding its importance, however, we had no Consul there, the nearest Consulate to it being that at Galatz, which was 300 miles distant. Why that should be so he was wholly at a loss to conceive, especially when he bore in mind how our consular establishments were scattered all over the world. We had, for instance, within a small district of Turkey in Asia five Consuls—one at Damascus, with a salary of £500 a year; one at Aleppo, with a salary of £350; one at Antioch, with a salary of £200; one at Jerusalem, with a salary of £350; and one at Jaffa, with a salary of something like £300. Now, of all the gross jobs that had ever been perpetrated he believed the appointment of a Consul at Jaffa was the greatest. The gentleman who held that appointment, too, had advantages which other Consuls did not possess, inasmuch as he was allowed to trade, and to report direct to the Foreign Office instead of to the Embassy to which he belonged, as with one or two exceptions those filling similar positions were obliged to do. He was a native of Turkey, in Asia; he had been a Roman Catholic, had become a Protestant, and had promised, he believed, to build a great number of churches, but he did not know that that promise had in a single instance been carried into effect. Now, why there should be a Consul at Jaffa, and not one at Pesth, he did not understand. He would at all events assure the House that he brought forward the present Motion at the request not only of a large number of persons resident in that city, but also of British subjects trading in that quarter. The noble Lord, indeed, had assigned as a reason for withdrawing Mr. Dunlop that it was not deemed desirable to give encouragement to any disaffected parties in Hungary. [Lord JOHN RUSSELL: I gave the Austrian version.] But he would ask the Austrian Government where they would find a man in Hungary who was not disaffected? Hungary sought the restitution of her ancient rights and constitution. Hungary asked for the restitution of her laws as they existed in 1848, and she would not give up a single point till Austria made that concession. It might be that Hungary at the present moment was following the advice of leaders to maintain the peace, but they might depend on it that the day was not far distant when the Hungarian question would again come before Europe, and might involve in it great difficulties. On a former evening he had asked whether the English Ambassador at Vienna had advised the Emperor of Austria not to receive the address from the Hungarian Diet at Pesth unless it fully recognized the Emperor's title as King of Hungary. The noble Lord at the head of the Government said there was not a word of truth in the Report. He hoped the noble Lord the Foreign Secretary, who was not in his place on the former evening, could adhere to the statement that there was no foundation for the report of the Hungarian address having been sent back from Vienna by the advice of the English Government. But he thought there was some mistake about it. The report that there had been some interference by England was believed at Paris; it was believed at Turin, and it was not denied at Vienna. He was authorized to say that nothing would give the Hungarian people more satisfaction than the establishment of some diplomatic relations with them by the appointment of an English Consul at Pesth. At the present time, also, the steamers on the Danube were manned to a considerable extent by English engineers. These British subjects hoped the Government would take their case into consideration, and he had received a deputation from their body to request him to urge upon the Government the necessity of considering their case, and to point out that they would feel much safer if there was a Consul at Pesth, to whom they could apply in any case of necessity. In every point of view, commercial and political, a Consul at Pesth was required. He hoped the Government would take the subject into its serious consideration. He was sure the more it inquired the more it would be convinced of the necessity of some Consular establishment in that large, rising, and important town.

MR. WHITE seconded the Motion.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that steps be taken to enable Her Majesty to appoint a Consul at Pesth."

LORD JOHN RUSSELL said, that he would say a few words on the subject. With respect to the political part of the question, his noble Friend at the head of Government was quite right in urging on a night when he (Lord John Russell) was absent that the British Government had nothing whatever to do with the sending back of the Address that was sent by the Diet of Hungary to the Emperor. It did not appear to him that it was the sort of question on which any Government would consult the Foreign Ministers about. If any Address had been forwarded to him for presentation to Her Majesty, in which her title of Queen was omitted, and styling her "High and Mighty Lady," neither he nor his noble Friend would think of consulting any Foreign Minister as to the manner in which they should answer it. That was a point entirely for the consideration of the Minister of the Sovereign to whom the Address was sent. The Hungarian Diet themselves seemed to have felt that the title they gave was not proper, for they afterwards adopted another form of Address, which had been received. It was unnecessary, therefore, to discuss that point further. With regard to the subject of the hon. Gentleman's Motion, he did not think it necessary then to go into the subject of consular establishments generally, or the question of the Turkish Consuls in particular, as he did not think the House of Commons was the fitting place to decide where Consuls ought or ought not to be sent. With regard to Pesth, we had a diplomatic establishment at Vienna, and any representation could be made to the Court of Vienna which the Ministers of the Crown might think necessary. He had never been told by any persons interested in commerce that a Consul at Pesth was necessary. However, he was very glad to hear of the prosperity of Pesth, and if no war took place, if peace were maintained, and the resources and riches of Hungary continued to be developed, it might at some future time be of great advantage to appoint a Consul there. But he did not think there would be any advantage in such an appointment at that moment.

Mr. HADFIELD said, he would advise his hon. Friend to leave the matter in the hands of the noble Lord. The people of Hungary might be assured that the people of England would ever take a warm interest in their freedom.

Mr. T. DUNCOMBE said, he would not trouble the House to divide on the question. But the noble Lord should recollect that the House of Commons had to pay the expenses of the consular establishments; it was, therefore, the duty of the House to see that the money was not uselessly expended in the appointment of Consuls where they were not necessary. He believed that it was necessary to have one at Pesth; but he feared the noble Lord had given way too much to Austria in his foreign policy. In his opinion they did not want Austria as a counter-balance to France, for England never had a better ally than the Emperor of the French; and France and England, with a united Italy by their side, could defy the world.

Mr. LAYARD observed he was glad that his hon. Friend intended to withdraw his Motion. His hon. Friend seemed to be under the impression that it depended upon the noble Lord whether there should be a British Consul at Pesth, but that was not so. No country could appoint a Consul to any place except with the consent of the Government of the country within which the place was situated. He thought the Austrian Government had been wrong in insisting upon the withdrawal of Mr. Dunlop, because it was far better that the British Government should receive authentic reports of what took place in Hungary rather than the unauthentic accounts which they would, otherwise, have to rely upon.

Motion, by leave, *withdrawn.*

CROWN SUITS LIMITATION BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

The ATTORNEY GENERAL proposed a new clause, the object of which was to prevent time running against the Crown during the existence of a demise.

Mr. AUGUSTUS SMITH complained that the Amendment proposed by the hon. and learned Gentleman had not been printed.

The ATTORNEY GENERAL said, he did not think it necessary to print an Amendment which did not at all militate against the provisions of the Bill.

Bill *considered* in Committee.

House *resumed.*

Bill *reported;* as amended, to be considered *to-morrow.*

METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL.

SECOND READING.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [10th July], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

Mr. LAYARD said, he must appeal to the hon. Member for Bath to postpone the Bill. His hon. and learned colleague (Mr. Locke), who was engaged in the discharge of professional duties at Brighton, had given notice of an Amendment that the Bill should be read a second time that day six months, and took a great interest in the question.

Mr. TITE observed, that the hon. and learned Member for Southwark had already spoken against the Bill for three-quarters of an hour, and he did not see why he should postpone the second reading in consequence of the learned Gentleman's absence. The Bill had now been on the paper for a second reading twenty-six times, and he begged to proceed with it.

Bill read 2°, and *committed* for *to-morrow.*

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT (No. 2) BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,

"That the Bill be now read a second time."

Mr. TITE moved the second reading of this Bill, which he stated referred to the proposed re-distribution of a debt of £94,000 among certain parishes, some of which the Metropolitan Board of Works thought had been unfairly burdened. The case of the parishes had been heard last year by the Select Committee to which the whole subject of this and the previous Bill had been referred, but two very important parishes, Camberwell and Wandsworth, alleged that they had not been heard, and that their cases, which were of extreme hardship, had not been fully considered. It was a matter the Board as a public body were unable to give an opinion upon, and as he, Mr. Tite, had always intimated, he intended, if the House should read the Bill a second time, to move that it be referred to a Select Committee, who would decide the justice or injustice of the case of the parishes in question.

Mr. AYRTON said, he rose to appeal to the right hon. Baronet the Secretary of State for the Home Department to give his assistance in rejecting the Bill. The provisions of both the preceding Bill and that under consideration were contained in a measure which was brought before the House last year. That measure was referred to a Select Committee, over which the present Secretary to the Treasury presided, and after a most careful examination, extending over seventeen days, and the hearing of witnesses from all sides, the Committee passed that portion of the measure which was contained in the Bill which had been just read a second time, and rejected that portion which was contained in the Bill now before the House. In that decision the Metropolitan Board of Words had acquiesced by proceeding with No. 1 Bill; yet they now came forward, he thought, in a very sly manner to impugn the decision of the Select Committee and reopen the whole question. If they meant to reverse the decision of the Select Committee, why did they not bring forward both Bills as one measure? He hoped the House would not encourage such irregular attempts at legislation, which would plunge the metropolitan parishes into a most wasteful, unnecessary, and useless expenditure.

Sir GEORGE LEWIS: What I understand this Bill to effect is a fresh repartition of debts created under the Main Drainage Act. There is no allegation, I believe, that these debts were not properly partitioned according to the provisions of the Act; but the Metropolitan Board of Works think that a different distribution would be more equitable, looking to the results of the drainage. They accordingly came here with a Bill last Session, substantially identical with the one which has now been read a second time, calling for a new distribution of these charges. Well, the Bill was referred to a Select Committee, of which my right hon. Friend who is now Secretary to the Treasury was chairman. I believe that Committee was very well constituted, and they went most fully into the whole matter, hearing counsel, and sitting seventeen days, at a great expense of attention to the Committee and of money to the parties. The Committee struck out the clauses which now constitute No. 2 Bill, and the Bill came back to this House without those clauses. The Bill, however, did not pass this House last Session, in consequence principally of the want of time. The hon. Member for Bath (Mr. Tite), now the organ of the Metropolitan Board, has introduced these two Bills this Session—one the Bill that came out of the Committee last Session; the other consisting of the clauses struck out by that Committee. Now, I certainly do not think my hon. Friend open to any charge of slyness in respect to that procedure.

Mr. AYRTON: I did not mean the hon. Member for Bath, but the Metropolitan Board of Works.

Sir GEORGE LEWIS: In respect of that procedure I must say I do not see anything unfair or unreasonable in putting this matter into two Bills. But what my hon. Friend proposes is to read this Bill a second time on the 16th of July, and to refer it to a Select Committee, to be named by the Committee of Selection, who should hear counsel reargue the case. The House, however, is not in a position to form any opinion on the merits of this question and the distribution of these burdens. We are called on to reconsider the decision of the Select Committee last year without any ground being shown why that decision was an improper one. Under these circumstances I think it will be desirable that this Bill should not be proceeded with, and I would strongly advise my hon. Friend, who, I repeat, is not open to any charge of slyness, to withdraw the Bill.

Mr. BRISTOW said, that the Bill of last year contained about 200 clauses, and, so far from the present measure having been considered for seventeen days, it had not been considered for more than sixty minutes, and besides, as the Metropolitan Board of Works were the promoters of the Bill, the parishes were not heard before the Committee of last Session. It was on that account that the Metropolitan Board of Works came forward now and asked that the parishes might be heard at their own expense before a Select Committee.

MR. LAYARD said, he did not wish to insinuate any charge of slyness or anything else against the hon. Member for Bath, but he thought it hard upon his own constituents that they should a second time be put to all the trouble and expense of a contest before a Select Committee merely because the people of Camberwell and Wandsworth had been too negligent to come forward to state their case at the proper opportunity. He, therefore, begged to move that the Bill be read the second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. T. DUNCOMBE said, he rose to second the Amendment. The measure was brought in as far back as the 22nd of February, and he could not understand why its progress had been so slow. If he had had charge of it he would have had it passed months ago, even if he had only had Wednesdays for the purpose. It was a little too much, now that they had reached the dog-days, and were within a fortnight, or, at the most, three weeks of the prorogation, to ask them to refer the measure to a Select Committee, in order that Camberwell and Wandsworth might have an opportunity of pouring out all their griefs. He knew something of what it was to hear the complaints of those two parishes, and believed that a whole Session would hardly be enough to satisfy them. The people of the Metropolis must be greatly obliged to the hon. Member for Bath and the hon. Member for Kidderminster for volunteering to conduct their affairs, for it was by those Gentlemen that these two Bills were introduced, and he certainly could not compliment them on the manner in which they had performed their task. On behalf of the Metropolitan Members he repudiated all blame for the present unsatisfactory state of this question.

MR. TITE said, that the absence from the Bill of last year of a clause for relieving Camberwell and Wandsworth from other parishes led to so much opposition and delay that he was obliged to withdraw the Bill. He was still in the unhappy dilemma of being between these fighting parishes. He denied that it was owing to any *laches* of his that the Bill had progressed through the House so slowly. The Coal Duties Bill, though brought in by the Government itself, had not been advanced at a much more rapid rate. Neither he nor his hon. Friend (Mr. Bristow) had obtruded their services upon the inhabitants of the Metropolis, but they had been freely chosen by popular election in their respective districts to represent Chelsea and Greenwich at a Metropolitan Board. As, however, the opinion of the House seemed adverse to proceeding with the measure he would not persevere with it further.

Amendment and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee read.

House in Committee,

Mr. MASSEY in the Chair.

(In the Committee.)

(1.) £12,134, National Gallery.

LORD HENRY LENNOX said, it would be in the recollection of the few Members present on the occasion when a similar Vote was brought forward towards the close of last Session, that he had called attention to the repeated assurances given by various Committees, as well as by a Royal Commission, that the time had arrived when the Royal Academy ought to vacate the national building in Trafalgar Square. The noble Lord the First Minister of the Crown did him the honour of replying to the observations which he then made, and sketched out the different removals which the public requirements had compelled the Royal Academy to make already; he admitted that the time had arrived when the national collection had grown to such an extent that it could not longer continue to occupy the building jointly; but the difficulty was to provide the Royal Academy with suitable lodgings at the least possible expense to the country. At the same time he proceeded to ask the House to vote a sum of £17,000, with the simple object of making the Royal Academy more comfortable in its temporary quarters. What had been done could not be undone, but he felt that he was warranted in the objections which he took at the time to the proposed expenditure, and the objects for which that outlay was to be made. From the steps which had been erected—they did not deserve the name of a staircase—a room was entered which he would not criticise, because he believed his right hon. Friend the President of the Board of Works was not prepared to defend it; but those who favoured Mr. Pennethorne's plan contended that for the money spent two rooms had been added—one, the new room, as it was called—in the National Gallery, and the other the sculpture room in the Royal Academy. The new room, as far as it went, was a very good room, except that it was too narrow for its length, and that the entrance was also narrow and obscure; but, in addition to the fact of its being built across the entrance-hall, which was absolutely necessary as an accessory to the original plan of a portico, there was no possibility of egress from it into the Royal Academy. The only channel, a tiny passage which existed during the alterations, had been shut up, and it would require a large expenditure of public money to open a proper communication. A plan had been submitted by Captain Fowke, embracing a suite of rooms which, when the time arrived for turning out the Royal Academy, would not have required one shilling outlay. The noble Lord the Prime Minister and the right hon. Gentleman the Chancellor of the Exchequer were at first favourable to that design, though they abandoned it afterwards on pecuniary grounds; but he was assured by those competent to form an opinion on the subject that the additional expenses which would be required to establish a communication between the existing National Gallery and the other part of the building would more than exceed the original estimate proposed by Captain Fowke. In order to obtain a proper conception of the room in which the sculpture was exhibited, hon. Members must imagine themselves in the street facing the building. They had first to mount a flight of steps, by which they arrived at the basement or floor, and that had been no sooner reached than they were invited to descend again—imitating very closely the action of the squirrel in his cage. It was but recently that sculpture had been placed in groups, the original intention being that it should occupy particular niches; considerable differences of opinion consequently existed with regard to the most advantageous mode of displaying works of that description, but he ventured to affirm that in no other country in Europe was there a sculpture gallery where the first view obtained of the sculpture was from above, the figures standing between the spectator and the light, with their backs towards him. He should not have felt it necessary to direct attention to the subject were it not that a rumour had reached him, which the proceedings in "another place" tended very much to corroborate, that before, or probably after, the close of the Session, an additional outlay would be sanctioned by the Government in connection with the building, with the object of fulfilling the provisions of the Turner will, which, if not complied with in a period of ten years expiring next November, were to become null and void. Several of the clauses in the will in favour of the relatives of Mr. Turner had been set aside, and he would ask whether the only clause to be rigidly insisted on was that binding the State to incur a heavy outlay in placing his pictures "in a room or rooms in the National Gallery?" He ventured to think it would be found almost impossible to carry out all the testamentary intentions of that gentleman. Our collection of the works of old masters included about 300 pictures. Mr. Turner left to the nation 324 works, of which 104 were very large pictures. There were a great number of drawings, of which some were so prurient that they could not be exhibited, and others were so unfinished that their exhibition would rather detract from than add to the fame of Mr. Turner. He should himself be glad to see a selection made from these works according to the plan which was adopted in similar cases in France. He saw that last night the Lord President moved in "another place," for the appointment of a Select Committee to consider what could be done with the Turner and Vernon collections and similar bequests; but so many Commissions and Committees had reported upon the National Gallery, without any attention being paid to their reports, that he could not think that that Committee had been appointed with a view to the direct guidance of Her Majesty's Government upon the subject. An Act of Parliament which was passed in the year 1854 or 1855 authorized the Government to dispose of works of art left to the nation, and, in fact, to set aside the terms of bequest; and, therefore, he did not see why a Committee of the House of Lords was required to settle the question. The reason why the trustees of the National Gallery could not deal with it was, that although learned, able, liberal and enlightened men, they were perfectly irresponsible, and, therefore, did not possess the confidence of the public. That was a matter which must be considered ere long, and in his opinion the National Gallery must be placed, like other public property, under the management of some one who would be responsible to Parliament, and have a seat either in one House or the other. He should be told that all that was very well, but should be asked, "What are you to do with the Turners?" They must either remove from the National Gallery pictures of second-rate character and doubtful authenticity, and replace them by Turner's, or they must devote to the reception of the Turner collection two rooms of the National Gallery, to the exclusion of the Royal Academy. Last year, when he made some remarks with reference to the National Gallery, he received a number of anonymous letters, complaining that he had charged the Royal Academicians with every offence under the sun. One letter, which was written in a very facetious style, alluded to some of his ancestors, and was signed—he hoped it was a forgery—"R.A." No one could appreciate more than he did the immense services which the Royal Academy had rendered to art in this country, and he should be the last person to speak slightingly of a body which included such men as Landseer, Eastlake, Faed, and other great artists. All he desired was that the Royal Academy should be removed to Burlington House, which was purchased for the nation about the year 1854, at an expense of £5,000 a year, and which was now occupied by the London University and the Royal Society, who last winter refused to allow the Fine Arts Club to use their rooms once or twice a year. That removal could be effected without much cost to the nation, because last year the right hon. Gentleman, the President of the Board of Works, who, like himself, not expecting this Vote to come on, was not then in his place, stated that the Royal Academy was quite willing to erect a gallery on the site of Burlington House at their own cost. He implored the Government to give an assurance that, no matter what might be the Report of the Committee of the other House, they would ask for no Vote this Session, nor would they during the recess authorize the spending of a shilling, or the laying of a brick for the erection of a building for the Vernon and Turner Galleries. The reason he asked for this assurance was that Lord St. Leonard's had made no secret that his desire was that a gallery should be erected for the Turner pictures in direct communication with the National Gallery, and that a grant should be made for its erection. He asked the Committee to consider what the amount of the Vote would be for the erection of a new building. The mere alteration of certain rooms last year cost £17,000, and common sense told them that to acquire the site of St. Martin's Workhouse, and to erect an entirely new gallery from the foundation upwards, could not cost less than from £80,000 to £100,000. He knew from his experience in the House that whenever a Vote more monstrous than usual was required, it was the practice for the Minister in charge of it to inform the House that so much money had already been spent, that the public faith was pledged, and that, therefore, the House must agree to the completion of the work and grant the Vote. It was to prevent that that he now sought an assurance from the Government that they would not proceed further in the matter without the sanction of the House.

VISCOUNT PALMERSTON: Sir, the noble Lord took a great interest in this subject last year, and was one of the advocates of Captain Fowkes' plan for the alteration of the present building. That was a very good plan, and, had it been carried out, a very handsome building would have been constructed at a considerable expense. The plan we adopted was one of a much more limited character, and effected a great improvement in the interior, without incurring a heavy outlay in altering the elevation of the front. Many people may think that a more handsome building might have been erected on the spot where the National Gallery stands, which is certainly a very commanding position, where a fine piece of architecture on a much larger scale would have been very effective. The gallery is there, however, and the question is whether it is sufficiently commodious for the purpose for which it was intended, or whether it will be necessary to pull it down and erect another at a large expense? My opinion is that we had better take advantage of what we have. The alterations which have been made, though they have not met the approval of the noble Lord, are reckoned great improvements by the public. In the first place, we have added to the accommodation of the gallery a large and convenient room, in which the pictures may be seen exceedingly well. This increase in space has enabled the pictures to be properly classified, according to the different schools and periods, so that the collection is now instructive as well as pleasing to the eye of the connoisseur. The noble Lord apprehends that if the Royal Academy were removed from this building a very large expense would be necessary to effect a communication between that portion of the building which is devoted to the National Gallery and that which is occupied by the Academy. The noble Lord is quite mistaken in that respect. There is a door-way communicating between the two parts of the building, which could be thrown open at a very small expense. Then, as to the sculpture-room, I do not mean that it is a place which would have been built intentionally for that purpose. But it is, at least, vastly superior to the little black hole in which the statuary used to be displayed. These changes have been effected at a very moderate expense—not much more, I think, than £15,000, and in a very short time. No doubt it is intended that the Royal Academy shall go elsewhere, and when that takes place a very great addition will be made to the space applicable to the national collection. The noble Lord has talked of "other arrangements;" but even supposing that the Royal Academy gone, and the rooms which they now occupy added to the space available for the public pictures, yet there is reason to expect that in the course of time even that will not be sufficient. As the collection now stands, the Turner pictures, if they were brought in, would nearly, if not entirely, fill the space occupied by the Academy. The question would then arise, how can the accommodation be extended. Plans have been proposed by which the present building might be enlarged at a comparatively small expense. That is a matter for future consideration, but, of course, the noble Lord may rest assured that no such operation will be commenced without the previous sanction of the House. Burlington House has been suggested as a site on which the Royal Academy may construct their building, and I am inclined to think that it would be a very good situation. The question is whether the front should be towards Piccadilly or in another direction. Accommodation may be provided there amply sufficient not only for the Royal Academy, but also for those scientific bodies which, although the noble Lord spoke of them rather slightingly, are entitled to the protection and encouragement of the Government. Highly proper and expedient as it may be to give assistance to art, yet I trust that science will always be deemed worthy of public support in this country. It it obvious that while societies of artists may raise money for the exhibition of their pictures, scientific bodies cannot procure funds by the same means, and are often unable to provide the means of carrying on their meetings and investigations, unless the public assist them by providing some place of meeting. I am sure that the House will share that feeling; and that if the site of Burlington House should be held applicable for the Royal Academy ample room will be given both to art and science.

MR. LAYARD said, it must be owned that the English were the most curious people in the world in dealing with their national art collections, for they were always admitting that their present arrangement was wrong, and inquiring how it might be set right, and yet nothing whatever was done. Last year £15,000 had been voted for the improvement of the National Gallery, but the only alteration made, as far as he could see, was the addition of an extra room, of which all he could say was that it might form a very handsome hall for a railway station. It was plain and unornamental, and almost every third-rate town in Italy had a much finer one for the exhibition of works of art. It was a great pity that so much valuable space should have been wasted by the construction of a couple of staircases, one leading to the Royal Academy and the other to the collection of old pictures, when one would be quite sufficient as soon as the Royal Academy is removed. At the present moment the National Gallery was already too crowded, and many of the pictures by the old masters were hung too high. They had abundant materials for a splendid national collection of pictures in this country, and proper provision should be made for its accommodation. At Hampton Court last year pictures of great value were going to ruin. He found some of them absolutely falling off the canvass. He understood that this year the restorers had been let loose there, so that he supposed there was some alteration; but there were pictures at Hampton Court which ought to be sent to the National Gallery. The really valuable part of the collection of pictures did not form the attraction at Hampton Court. From personal observation he was able to say that that was the case with the cartoons, which, in his opinion, ought to be removed to the National Gallery as most important objects of study for our young artists. Then, as to Dulwich, there were many pictures of the Flemish school there which were wanted in the Nation Gallery. There were pictures in the National Gallery which he should like to see sent to Dulwich, and pictures at Dulwich which he should like to see sent to the National Gallery. They had no classification of schools and epoch in the present arrangement of the old pictures in Trafalgar Square. No man in the country had a greater knowledge of art, or had greater taste and judgment, than Sir Charles Eastlake; but, unfortunately, there was the trustee system, and as long as they had it they would not have a good gallery in the country. If there was proper space the national collection would be very much increased by bequests. They did not want any great additional expense. What they wanted was judgment. He hoped that there would be no more patching, but that some definite plan would be acted on to increase the National Gallery, and render it worthy of the country. The Committee were aware that many plans for affording additional room had been from time to time put forward. He had suggested one which had received the approbation of his hon. Friend the late Sir Charles Barry, and which he believed to be the best. It was to raise on the British Museum another story. His opinion was that by the adoption of that plan they might have the finest series of galleries in the world—exceeding in extent those of the Louvre and the Vatican. At all events, he trusted that some plan would be adopted which would put an end to the system of having the national collection scattered about the Metropolis.

COLONEL SYKES remarked, that he was agreeably surprised by, and decidedly satisfied with, the alteration effected during the last twelve months in the National Gallery.

MR. AUGUSTUS SMITH observed, that he thought the nation had not got a *quid pro quo*. The accommodation afforded for the exhibition of the national collection of pictures was not value for the money expended in providing it. If another story were added to the British Museum it would be best applied to affording additional room for the rapidly increasing collection of books; but it had been, on very strong grounds, suggested to add another story to the National Gallery for the purpose of affording additional space for pictures. The soot of London did not ascend above a certain height, and, therefore, if the National Gallery had a higher elevation, the pictures would be taken out of a very deleterious atmosphere. It was monstrous to provide accommodation for the Royal Academy when they wanted it only for three months in the year. That year's exhibition would now soon be over, and, as they had to find an asylum for the Turner pictures before next November, he hoped they would be deposited in those rooms. He wished to know whether it was the intention of the Government to ask for any grant that Session towards alterations in the National Gallery?

MR. W. EWART said, that the sooner the Royal Academy had their own rooms the better. They would then enter into free competition with other societies, and would, he believed, on that principle, effect greater good to the Arts than at present. The original design of the National Gallery contemplated extension in the rear, and there was space enough in that direction to form one of the finest galleries in the world.

LORD JOHN MANNERS said, the Committee must be very much obliged to his noble Friend for having brought forward this question. He agreed very much in what had fallen from the hon. Member for Truro (Mr. Augustus Smith), and they must all concur in the observation of the hon. Member for Southwark (Mr. Layard), that the National Gallery was either now or would soon be required for the purposes of the national collections alone. The Committee had for some years fully agreed that the Royal Academy must go elsewhere, and he should like to know from the Government what chance there was of that event taking place. Three or four years ago negotiations were entered into for a transfer of the Academy to Burlington House. The negotiations were then in a very satisfactory state. No opposition was raised by the Royal Academy. They were ready to erect buildings if a site was given for the purpose. Other societies who had claims on the consideration of the Government were also to be accommodated. He was the last person to say that the £15,000 had not been well expended; but beyond that improvement nothing had been done with a view to removing the Royal Academy, or applying the site of Burlington House to the object for which it was purchased. As it was admitted that the accommodation obtained by the expenditure of the £15,000 was not sufficient, it was important for the House of Commons to know whether the negotiations previously commenced with the Royal Academy were still in progress, or whether they had entirely ceased, and there was no probability, after all, of the Royal Academy being transferred from Trafalgar Square to Burlington House? If the noble Lord at the head of the Government could give an assurance that the negotiations were in progress, and that some definite scheme was on foot for applying the space acquired at Burlington House to those objects, for which a large sum of money had been expended in its purchase, it would give satisfaction not only to those hon. Members who took an interest in all questions affecting the progress of science and art, but to all classes of the community.

Mr. TITE said, he had seen the sketch of Mr. Pennethorne, and the improvement already effected was part of a complete plan, which, when carried out, would give the nation a gallery neither disgraceful to them nor discreditable to the architect. He thought that the £15,000 had been well spent, and that great additional accommodation had been obtained by that means. One advantage of the discussions on the subject was that all were now agreed that Trafalgar Square was the proper site for the National Gallery. He remembered sitting on a Committee to inquire into the subject, and he rather thought that their Report was in favour of removing the pictures; but the common sense of the community had prevailed, and it was now admitted on all hands that the interests of science and art would be best consulted by the national pictures being collected on that one spot. He hoped that the Turner Gallery would form part of the national collection, and that there would be a gallery representing the English School. If a site were given to the Royal Academy at Burlington House nothing would be easier in an architectural point of view than to erect a building which would be a credit to the nation.

Mr. DILLWYN said, he hoped that if a Committee were to be appointed next year it would be composed of hon. Gentlemen who had some special knowledge of art, and who were independent of the Government.

Lord HENRY LENNOX said, he must press for an assurance that no further demand for money for building purposes would be made that Session. In the remarks which he had made he had not had the slightest intention of saying anything in detraction of the usefulness of the scientific bodies. The noble Lord had misunderstood him on that point.

Mr. W. WILLIAMS said, he wished to ask why the £8,670 remaining from last year's grant for the National Gallery was not deducted from the amount of the present Vote?

Mr. LAYARD said, he hoped that the trustees of the National Gallery would not be called upon to expend all the money voted in any particular year within the twelve months, which would sometimes lead to the purchase of common instead of really valuable pictures.

Viscount PALMERSTON said, he was not aware that there was any intention to propose an additional grant.

Lord JOHN MANNERS said, he would remind the noble Lord that he had asked what was the state of the negotiations between the Government and the Royal Academy with reference to the transfer of the latter to Burlington House?

Viscount PALMERSTON was not aware of the exact state of the negotiations, but the Royal Academy was prepared to go to Burlington House when they were summoned to do so; but some alterations in the building would be required, and he believed the plans had not yet been prepared.

Mr. PEEL said, that, in reply to the question of the hon. Member for Lambeth, he had to observe that the balance in hand for the purchase of pictures was only £3,000, and as had been remarked by the hon. Member for Southwark (Mr. Layard), it would be very unwise to compel the trustees of the National Gallery to expend the whole of the Vote for pictures in each year.

Vote *agreed to.*

(2.) £2,000, British Historical Portrait Gallery.

Mr. SPOONER said, he had always opposed this Vote and he should continue to do so. He would ask for an explanation of the object for which the gallery was formed. It could not be to promote art, for the trustees set out with the declaration that they did not care how bad the picture was so long as it was a portrait of somebody notorious in our history. Neither could it be to show respect to the memory of the persons who were exhibited, for the trustees did not care what the moral character of those persons was so long as they fulfilled the same condition. There would soon be a demand for a building in which to keep these portraits. He thought the House was already expending too much money in the promotion of arts and sciences. He would move that the grant be not allowed.

MR. SLANEY said, he entirely differed from the hon. Member, as he thought the grant one that would be sanctioned by the great body of the working classes. He regretted the collection was placed in so obscure a building, but when it was opened to the public, and it was known for the purpose of collecting the portraits of personages whose names were illustrious in the history of the country, he felt sure that none of our more public collections would be more popular. [MR. SPOONER: Why, Nell Gwynne is one of the portraits!] He must certainly admit that some of those whose portraits might find a place in it were not of that high moral character that might be wished. However, he fully believed that the more the public were familiarized with works of art the better it would be for the public taste and the public happiness.

MR. SCLATER-BOOTH said, he would recommend the Government to put a stop to the purchase of portraits until they had a proper building to put them in. If the last Government had continued in office the Royal Academy would be by that time in their own palace without the expenditure of a shilling on the part of the public. That negotiation had, however, been put a stop to—no one knew why, although it was clear the space was wanted for the National Gallery. He was ashamed that there was no suitable building belonging to the country in which so interesting a collection as the national portraits could be placed.

THE CHANCELLOR OF THE EXCHEQUER said, he thought that that infant collection had made fair progress during the short time that it existed. The Royal Academy understood that it would be their duty to vacate the National Gallery whenever the public convenience required it, when the House had made up its mind as to the disposal of Burlington House, and when the National Gallery had been enlarged on an adequate scale to allow of future extension. The occupation of the first portion of the site of Burlington House by the Royal Academy would, however, dispose of the whole question of the employment of that side. This was a question which ought not to be compromised until it had been considered as a whole.

LORD JOHN MANNERS said, that no answer had yet been given to the simple question—what were the Government about to do with respect to moving the Royal Academy from Trafalgar Square? The right hon. Gentleman, the Chancellor of the Exchequer, said the Royal Academy would vacate the National Gallery whenever public convenience required it. But the public convenience had required them to go for some years; and, as the public convenience required them to go, and the Royal Academy were ready to go, he wanted to know why they had not gone? The Committee ought to be told whether there was any real intention to propose any plans which would have the effect of accomplishing the transference of the Royal Academy from Trafalgar Square.

MR. LAYARD said, he did not believe the public grudged the expenditure, but they had a right to know what was done with the money, and why the pictures were kept in a private house, where they were virtually inaccessible to people at large. Why was not the collection added to the National Gallery or placed in some of the buildings at Kensington?

MR. AUGUSTUS SMITH said, he would remind the Committee that there were many bare walls in the lobbies and corridors of the Houses of Parliament where these pictures might be hung. If the lady whose portrait had been alluded to was not thought a proper character to hang in the corridors she might be put in the tea-room. He did not grudge the £2,000 for the gallery, but he grudged the separate establishment, and he should oppose any banishment to Kensington.

MR. SPOONER said, that as he appeared to be alone in his view of the question, he should not trouble the Committee to divide, but would content himself with protesting against the public money being wasted on such tomfoolery. It was all very well to say that the people would not grudge the money. Perhaps those living on the spot would not. But the Committee ought to think of the people from the

Land's-end to John O'Groats, who had not a chance of seeing these pictures, or of benefiting from the expenditure. The Portrait Gallery neither served for the promotion of art nor for the cultivation of a healthy moral feeling, for the Commissioners said they did not care how bad was the quality of the picture or the character of the person depicted.

Mr. CONINGHAM said, he believed that, if proper arrangements were made—that was, if the Royal Academy was removed from the building in Trafalgar Square, and a portion of the building appropriated to the collection—all the necessary accommodation might be afforded there. In any case, he hoped Parliament would not allow the collection to be removed to Kensington. The pictures of the nation ought to be placed in Trafalgar Square; but at present they were scattered all over the town.

Mr. KER said, that a more miserable set of portraits could not be produced than those in Great George Street. They were totally unworthy of the collection.

Vote *agreed to.*

(3.) £3,000, Purchases from Soltykoff Collection.

Mr. DILLWYN said, it was unsatisfactory that these purchases should take place while no one knew where they were to be put. He complained of the arrangement which they seemed to be getting into of scattering these collections all over the town.

The CHANCELLOR of the EXCHEQUER said, he agreed that the arrangement was objectionable, but it was one which they were not getting into but getting out of. At present, objects of mediæval art were divided between the British Museum and Kensington. It was possible that those two establishments might authorise rival bidders to compete at auctions, but when the question of the Soltykoff collection was brought before the Treasury they declined then to enter into the question whether any purchases which might be made should go to the British Museum or the Treasury, but determined to treat the purchases as made by the nation. In his opinion, it was unreasonable to maintain a mediæval department at the British Museum, and he thought the Kensington collection ought to be the single collection of objects of this kind.

Mr. CONINGHAM said, he hoped that the truth of the proverb *ce n'est que le premier pas qui coute* was not about to be exemplified, and that the course suggested by the right hon. Gentleman the Chancellor of the Exchequer would not lead to the breaking up of the British Museum.

Lord HENRY LENNOX said, he could bear testimony to the sterling merits of the various articles purchased from the Soltykoff collection, and to the marvellously cheap rate at which they were obtained by the Government.

Vote *agreed to,* as were also

(4.) £6,620, Magnetic Observations Abroad.

(5.) £500, Royal Geographical Society.

(6.) £1,000, Royal Society.

Mr. W. WILLIAMS, at twelve o'clock, moved that the Chairman report Progress.

Viscount PALMERSTON said, he understood that the right hon. Member opposite intended to discuss the Colonial Votes, which would be next taken.

Mr. ADDERLEY said, he was perfectly ready to proceed.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again," put, and *negatived.*

The following Vote was then *agreed to.*

(7.) £4,300, Bermudas (Civil Establishment).

(8.) Motion made, and Question proposed,

> "That a sum, not exceeding £6,278, be granted to Her Majesty, to defray the Charge of the Ecclesiastical Establishment of the British North American Provinces, to the 31st day of March, 1862."

Mr. WHITE said, he must object to the item of £2,990 for the ecclesiastical establishments of Canada, as the prosperity of that colony had passed into a proverb. Her revenue was upwards of £2,000,000 a year, and she was, therefore, rich enough to pay for her own ecclesiastical institutions. He did not like the Vote for Nova Scotia, but he would admit that Nova Scotia was a poorer colony. However, he should move to reduce the Vote by £2,990, the amount asked for Canada.

Mr. ADDERLEY said, he had intended to call attention to the amount of the colonial expenditure on going into Committee of Supply, but under the circumstances he would not detain the House many minutes while he rapidly glanced at the mischief involved in the Estimates before them. He considered that expenditure of the taxes of one country in the administration of another was as unprecedented in the history of the world, as it was mischievous to the best interests of the colonies themselves. He did not complain so much of the burden laid upon the British taxpayers, who were perfectly able to bear much more if just cause were shown; but he objected to the principle of the existing system—the colonies became suckers rather than off-shoots, and diminished the aggregate power of this country by a process of subtraction from instead of multiplication of its internal resources. The largest portion of the English expenditure for the colonies was the military expenditure, but he had no opportunity of bringing that matter before the House in the present Session, because the Army Estimates were passed before the Select Committee on the subject had reported. He would, however, call attention to the Report of that Committee, which contained many remarkable suggestions, and which was the more remarkable, as it showed, what, from his experience of the House, he was led to believe was a rare circumstance, an instance of hon. Members coming out of Committee with different opinions from those with which they went in. Nothing he believed had operated more to bring about this result than the evidence of prosperous colonies having troops and pay from England, for local purposes of their own, or even merely to support a Governor independently of his local legislation in some special policy over which we had no control. The amount voted for the civil expenditure in colonies was less than for their military expenditure, but it was by no means unimportant, and though the amount included in the present Estimate could not be reduced by more than £100,000 a year, yet as long as one shilling of it remained it was like poison to the empire both at home and abroad, and ought to be eradicated as quickly as possible. He had pressed that consideration on the attention of the House before, and likewise on the particular notice of the hon. Member for Birmingham, and he was surprised to find that that hon. Member had, at a public meeting during the last recess, endeavoured to reconcile his habitual absence from Committees of Supply with his diatribes against a wasteful public expenditure by saying that the Committees only attempted to economize in thousands, whereas he wished to deal with millions. He (Mr. Adderley) must, however, submit that such a plea was as absurd as it was unstatesmanlike. He should like to know, too, what was the use of the Chancellor of the Exchequer coming down to the House, Session after Session, and complaining of the extravagance of the public expenditure, if he took no practical steps to check its amount in such an instance as this? It seemed to him that the right hon. Gentleman was in the position of a man throwing gold into the sea while bewailing his poverty. He would support the Amendment of the hon. Gentleman opposite on the Vote for the clergy of North America. What reason on earth had they to provide the salaries for the Bishop and Archdeacons of the colonies? He knew it would be said that there was an honourable understanding that the salaries of these clergymen should be paid; but he would remind the Committee that these salaries were originally paid out of lands which were now given up to the colony, and it ought to have been provided at the time of the transfer that these salaries should be paid. He was reminded of what happened to a right rev. friend of his own—the Bishop of New Zealand. The right hon. Member for Droitwich (Sir John Pakington) was accustomed year after year to bring forward the case of Bishop Selwyn's salary, and this House's refusal to pay it, as a positive breach of faith; but that right rev. Prelate had over and over again assured him that he did not wish the point to be urged; that he would rather be without payment from the Parliament of Great Britain, and derive his income from the bishopric itself. For his own part he thought Bishop Selwyn was right; and that those payments were as injurious to the Church as the military expenditure was to the colonies. Was ever a Church on earth so supported? There were instances of Churches flourishing on local endowments, and there were instances of Churches flourishing on the voluntary principle; but when was it ever heard before that a Church in one country throve on the finances of another? They were accustoming the Church to lean on support that would one day fail them, while they were drying up the real sources of her strength. He did not expect to remove the Vote at once; he knew that was impossible, for the money was pledged; but he gave notice that, if no other hon. Member took up the subject, he would early next Session call attention to the matter, and he hoped the House would then determine to put a complete stop to this expenditure.

Motion made, and Question proposed,

"That the item of £2,990, on account of Ecclesiastical Commissioner's Establishments in Canada, be omitted from the proposed Vote."

Mr. CHICHESTER FORTESCUE said, he thought he should be consulting the wishes of the Committee by not entering at that moment into the question of the military expenditure connected with the colonies. He might observe, however, that the result of the Committee alluded to by the right hon. Gentleman had been to prove that the expenditure, amounting to £4,000,000 and upwards, which it was stated was the expenditure on account of the colonies, had been enormously exaggerated, and that a very great portion of the expenditure was not on account of the colonies properly so called, but on account of the naval and military stations which the country had to maintain for its own imperial purposes. It was impossible to apply to the military system of the colonies any self-acting and unbending rule. The Vote in question was an expiring Vote, inherited from former years, and was the execution of a pledge on the part of the Crown. That pledge, however, did not go beyond the lives of the persons to whom it was made, and he could assure the right hon. Gentleman that there was no idea on the part of the Government of assisting systematically Canada, or any other colony in the maintenance of her clergy.

Mr. SEYMOUR FITZGERALD said, that while entirely concurring with his right hon. Friend near him (Mr. Adderley) in the opinion that the colonies ought as a general rule to pay themselves the salaries of their public officers, he thought it was undesirable he should seize the opportunity presented by the present Vote to express opinions which wore the appearance of casting a doubt on the liability of this country to perform the pledges which were entered into with respect to it.

Mr. G. W. HOPE said, that the purpose for which he rose was to call attention to the distinction between imperial and colonial purposes. His right hon. Friend talked of taking off £100,000; but he (Mr. Hope) did not know where it was to come from. Bermuda was a naval station, and British Columbia could hardly yet be left to its own resources. There then remained the West Indies, where the only person responsible to the country was the Governor; and he was of opinion that that official should not be left dependent for his income on the colony. As to the colonies on the coast of Africa they were maintained for the suppression of the slave trade. British Caffraria was perhaps a more questionable item; but on the whole he did not see how any portion of the Vote could be got rid of.

Mr. WHITE said, he would withdraw the Amendment.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(9.) £1,600, Indian Department (Canada).

Mr. SEYMOUR FITZGERALD said, he thought it ridiculous that, year after year, we should be called on to Vote blankets for the Indians.

Mr. CHICHESTER FORTESCUE said, that the Vote was much smaller than it had been, and would probably cease in the course of a few years.

Vote *agreed to.*

(10.) £8,600, to complete the sum for British Columbia.

Mr. ADDERLEY said, he took objection to that Vote. In particular he objected to the charge for the Royal Engineers. They had been sent to survey the land, and land surveys should be paid for by the colony. If they were intended for defence the number was ridiculous. He hoped that in a few months they should hear of British Columbia meeting its own civil expenditure. He also thought that some explanation ought to be given of the item of £2,000 for contingencies. He did not see why this country ought to be called upon to contribute to the civil expenditure of British Columbia.

Mr. CHICHESTER FORTESCUE said, he agreed with the right hon. Gentleman that this country ought not to be required to contribute to the civil expenditure of its colonies; but it should be borne in mind that the colony was as yet only an infant colony. The greater part of the Vote was for the additional pay to the Royal Engineers, owing to the high price of provisions there. The Vote would not be of a permanent, but purely of a temporary character.

Mr. WHITE said, he should oppose the Vote, on the ground that when the colony of British Columbia was established, the right hon. Member for Hertfordshire promised distinctly that it was to be a self-supporting colony. With a proper title any money that was necessary could be got from capitalists in the city.

Mr. CHICHESTER FORTESCUE explained that if the cost of the Royal

Engineers were left out of the question British Columbia did at the present moment bear its own expenditure.

Vote *agreed to*, as were also the following Votes :—

(11.) £14,728, Governors, &c., West Indies and other Colonies.

(12.) £5,706, Stipendiary Justices (West India Colonies and Mauritius).

(13.) £9,630, to complete the sum for Civil Establishments (Western Coast of Africa).

(14.) £5,954, Saint Helena.

(15.) £700, Orange River Territory.

(16.) £15,000, British Kaffraria.

(17.) £960, Heligoland.

(18.) £2,986, to complete the sum for the Falkland Islands.

(19.) £2,914, to complete the sum for Labuan.

(20.) £500, Pitcairn's Islanders.

(21.) £700, to complete the sum for the Fiji Islands Inquiry.

(22.) £10,090, Emigration Board.

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, July 17, 1861.

MINUTES.] PUBLIC BILLS—1° Episcopal and Capitular Estates Act Continuance, &c. ; Gunpowder, &c., Act Amendment.

3° Irremovable Poor ; Turnpike Acts Continuance ; Public Works and Harbours.

MINES TRESPASSES PREVENTION BILL.—SECOND READING.

Order for Second Reading read.

MR. H. B. SHERIDAN said, that there were at present very general and well-founded complaints of the state of the law in respect to trespasses and dilapidations by mining operations. There was very little remedy for mine-owners or others suffering from proceedings of this character. The trespasses were most commonly committed by persons who made secret encroachments on the mines of others, and the dilapidation was frequently caused to public buildings as well as private houses on the surface of mining districts. Parties who felt themselves aggrieved in this way had now to seek redress either by means of an application to Chancery or by action for trespass; but the great defect in the law was that before the action for trespass could be taken the wrong must have been done—the injury must have been inflicted. By the Bill before the House he proposed to enable parties to apply to the local magistrates or to the County Court in districts in which the local magistrates were part owners of the mines; but, if the House read the Bill a second time, he would, in Committee, propose to strike out the words which would provide that form of procedure, and move the insertion of others which would make the application one to a Judge in chambers. At present when an inspection was desired full notice had to be given of the application. The consequence was that the trespasser long before the order was obtained was able to obliterate all marks of his interference by bricking up the space which had been opened in the separating wall, and breaking up the galleries, and thus destroy the evidence against him. When it was remembered how prisoners were sometimes able to break through the walls of their cells without discovery, it might be imagined how difficult it would be to detect wrong doings in a place under ground and in pitchy darkness. In one case, where thousands of tons of coals had been stolen in the course of nine or ten months, and proceedings were subsequently taken, although the workmen had been constantly warned that they were trepassing, yet the jury found the master by whose orders they had acted "guilty of stealing coals, but not of knowing it." The Judge, of course, could not receive this verdict, and the man was acquitted. It also often happened that when a mine approached a town, and it was found it could no longer be worked with safety in conse- of houses or a church in the neighbourhood, the mine was let to a man of straw, so that the whole of the profit of the working went to the owner, the man who leased it having little more than his mere wages. The consequence was, when it was ascertained that the injury was inflicted, there was nobody from whom to obtain redress. The remedy by which he proposed to meet that state of things was that where the owner of property suspected even that damage had been done, he should be enabled to apply to a Judge at chambers upon an affidavit, stating his grounds of suspicion, for leave to inspect the workings. He should have no objection to the local Government inspector being the person charged with such inspection. The Town Council of Wigan had adopted a petition in favour of the principle of the Bill, and he (Mr. Sheridan) had a copy of a letter written by a coal owner and magistrate of Durham to the Home Secretary, calling his attention to the subject, and expressing himself in favour of the measure before the House. He simply proposed by the Bill to simplify the present system of obtaining the inspection of mines, and he trusted, therefore, the House would read the Bill a second time.

Mr. COBBETT seconded the Motion.

Motion made, Question proposed, "That the Bill be now read a second time."

Mr. PAULL said, that as it was his intention to vote against the second reading, he wished to explain the circumstances under which his name appeared on the back of the Bill. He was applied to by the hon. Gentleman to allow his name to be placed on the back of the Bill, the object of which, he said, was to facilitate the inquiry as to trespass on the grounds under mines. He (Mr. Paull) objected, on the ground that he had had nothing to do with its preparation, nor had he had even an opportunity of reading its provisions; but being assured by the hon. Member that the Bill had been discussed amongst parties interested in mines, and that he had spoken to two or three Gentlemen on the subject of allowing their names to be placed on the back of the Bill, he (Mr. Paull) unadvisedly consented. He had, however, since taken an opportunity of intimating to the hon. Gentleman that he did not, on an inspection of the Bill, approve of its provisions. He had also found that in the opinion of the parties likely to be effected by the Bill in the county of Cornwall, that it was not a desirable measure to be passed, and, therefore, he could not give his support to it. He trusted the hon. Gentleman and the House would be satisfied with that explanation of his reasons for taking the unusual course of voting against a Bill to which his name was attached.

Mr. CLIVE said, he trusted the hon. Member would withdraw the Bill, first, because at that period of the Session, and in the present state of the House, there was no probability that it would be carried, so that it would only waste time which might be spent on other business; and, secondly, because it contained provisions so arbitrary that they would require more modification than could well be made in Committee. The Bill left no discretion with the Judge. Upon mere suspicion and before any damage was done, a party might go before a Judge and obtain an under-ground search warrant. The law at present was that in all cases damage must first be shown to have been done. If the Bill should pass at all it could only pass on the ground of some great public interest being affected. For those reasons, then, he repeated he would counsel his hon. Friend to withdraw the Bill.

Motion, by leave, *withdrawn.*

Bill *withdrawn.*

CRIMINAL PROCEEDINGS OATHS RELIEF BILL.

COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [12th June].

> "'That Mr. Speaker do now leave the Chair,' and which Amendment was, to leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day three months, resolve itself into the said Committee,'"

—instead thereof.

Question again proposed.

Debate *resumed.*

Mr. DENMAN said, he could not but express his surprise and regret at the opposition of some hon. Members on that side of the House. That opposition was neither consistent with Liberal opinions nor was it calculated to advance the Liberal character of the House, and he could only account for it by supposing that through pressure of business those hon. Members had been unable to study the subject. The objects of the Bill had been somewhat misrepresented. Originally no person, of whatever sect, was absolved from the necessity of taking oaths. Afterwards the Quakers, Moravians, and Separatists were excused from taking oaths, and by a subsequent Act the exemption was extended to those who had formerly belonged to either of those sects, and who, though they had left those bodies, yet retained the scruple. In 1853 the Common Law Commission recommended that persons holding conscientious religious objections to the taking of an oath should be allowed to make an affirmation, if the Judge was satisfied of the sincerity of the objection. In 1854 a clause was introduced into the Common Law Procedure Act to carry out the suggestion with regard to civil cases, and the objections taken to the clause were rather on the ground that it left too much to the Judge than on any ground relating to its principle. The present Bill only proposed to extend the present law in civil cases to criminal cases. That extension was even more safe than in the former case, for in civil cases witnesses had more frequently an interest in the matter in dispute, whereas in criminal cases the witnesses were for the most part persons accidentally present at the circumstances to which they deposed, and who had no interest in the matter. In 1849 a Bill to that effect passed through the House, and it was then as now alleged that persons did not usually object to be sworn. It was proved, however, that numerous persons had been sent to prison to mix with common felons because they objected to swear on a book, which, as they conscientiously believed, forbade them to swear at all. He believed that the Bill under consideration had not had fair play, as it was confounded with a Bill which had also been introduced this Session, and which had been lost. That Bill was intended to abolish oaths in a certain sense, and he had supported it because he believed that the oath had not that religious sanction which was supposed to form its whole vitality. But the Bill under consideration had no connection with or resemblance to that other Bill. On the contrary, it preserved the religious character of the proceedings. He believed, however, that many Gentlemen had formed an opinion against the Bill solely because they thought it was similar to that other Bill which had been lost. The effect of the existing state of the law was that well known offenders often escaped punishment because the most material witnesses might have a religious scruple against taking an oath. He had no hesitation in stating that in his opinion the evidence of an objecting witness, whose sincerity was above suspicion, was more credible and trustworthy than nine-tenths of the persons who too often rushed into the witness-box without thinking of the responsibility they were incurring in taking an oath. As an example of the cases in which conscientious objectors were imprisoned, he might mention the case of a lady of birth and position, who was called as a witness in a case at Lewes in 1848, and who, though informed by the Judge, the late Mr. Baron Alderson, that she must take the oath or he would be compelled to send her to prison, respectfully but firmly refused, on the ground that she considered it to be unlawful according to the literal interpretation of the text in Scripture. She was accordingly sent to prison. She afterwards wrote to the plaintiff in the case, saying that she could not bear that he should be put to the loss of the money to which he was entitled through the want of her evidence, and she, therefore, begged him to accept a cheque which she enclosed for the amount of his debt and costs. Was that a person whose evidence ought to be rejected as unworthy of belief? And yet if a murder were committed, and that lady were the only witness, she would be rejected under the present law, and the murderer would escape. He hoped the House would allow the Bill to go into Committee, in which case he thought there would be no objection to the clauses, for they were identical with the enactments of the Common Law Procedure Act.

Question put, and *agreed to.*

Bill *considered* in Committee.

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

SHERIFFS' COURTS (SCOTLAND) (No. 2) BILL.—SECOND READING.

Order for Second Reading read.

MR. CAIRD, having presented a petition from the Edinburgh Chamber of Commerce in favour of the Bill, said, the object of the Sheriff Small Debt Courts Extension Bill is simply to extend the summary jurisdiction of these Courts from £12 to £25. It allows actions of greater value to be tried by consent of parties, admits the attendance of agents, settles the amount of fees, and provides an appeal on points of law. The Bill is, therefore, merely an extension of the existing system, and the adoption of certain principles sanctioned by seventeen years' experience of the County Courts in England. But each point now introduced was proposed when the present Act was discussed in 1853. It is not correct, therefore, to say that there is anything new, crude, or merely technical in the change now proposed. When the English County Courts were first established, the summary jurisdiction was limited to £20, but after four years' successful trial that limit was raised to £50. In Ireland it had been gradually raised from £10 to £50. Now the Scotch resident Sheriff is an educated lawyer, and holds a similar position to that of a County Court Judge. He is reckoned competent to decide summarily in cases up to £12, and, if so, is equally competent to decide cases up to £25. For the importance of a correct decision on a question of £12 is surely as great to a poor man as is £25 to a man in better circumstances. Moreover, the jurisdiction of the Sheriff in his ordinary Court is unlimited in amount, so that it can hardly be argued that the present Sheriffs are not competent to deal summarily with cases up to £25; but in Scotland we have a system of double Judges in our County Courts which does not exist in England, and which leads to great expense and delay. It introduces the most objectionable practice of appealing the whole facts and circumstances of a case by written pleadings from the Judge who has heard the evidence and seen and examined the witnesses to one who has not had that opportunity. The expense and delay thus caused in cases up to £25, is out of all proportion to the value of the sum in dispute, and is in many cases practically a denial of justice. In the Summary Court, the Judge's decision up to £12, as compared with the tedious processes of the ordinary Court in all cases above £12, is, in cost and delay, as shillings to pounds, and days to months. I have obtained returns of the actual cost and delay in several of the most important Scotch Courts from the year 1853 to the present time, from which it appears that, on litigated cases between £12 and £25 in value, the average amount of expenses found due by the unsuccessful party was about £15, and the average duration of the cases about ten months; that is to say, that, by the present system, it costs £15 in expenses, and takes ten months to establish a claim of between £12 and £25 in the Sheriffs' ordinary Courts. But, whilst that is the average delay, a litigant who is fighting for delay may stave off a decision for two years. I have had a case sent to me in which the arts of the system are very forcibly illustrated. The sum at issue was £13 14*s*. The first proceedings were taken on the 27th July, 1859; proof in March, 1860; judgments given in September, 1860, and January, 1861; and final judgment on the merits in March, 1861. But this did not end the matter, for the case was still in Court on the question of expenses, the amount on which, on one side, was between £60 and £70, and this, too, when the original sum in dispute was only £13 14*s*. It may be stated broadly, that in no litigated case can a decision be obtained in the ordinary Court in less than six months, or at a less cost than the whole amount in dispute up to £25, the proposed limit of this Bill; whereas by this Bill all cases to that amount may be settled in a few days, and at a cost of a few shillings. But there is a peculiar hardship in cases where no defence is made, and these comprise more than 60 per cent of the whole. In the Summary Court, such cases, "decrees in absence," cost 3*s*. 7*d*. each; in the ordinary Court between £2 and £3. Now, as the number of such "decrees in absence" in the ordinary Courts amounts to upwards 6,000 in the course of a year, this Bill will effect a saving, in such cases alone, of utterly useless expense to the amount of near £12,000. By this Bill I propose to continue the system of allowing no appeal up to £12, but to give an appeal on points of law above that sum. This system, but with no appeal up to £20, has worked admirably in the County Courts in England, in which 5,440,000 plaints have been entered between 1847 and 1857, involving a sum of upwards of £16,000,000 sterling, and from which there has been only 177 appeals to the Courts at Westminster. I regret that the Government have not themselves taken up this question, which has long been most anxiously desired by the people of Scotland. Petitions in favour of it have been presented from the most important seats of industry—from Glasgow, Edinburgh, the county of Lanark, Forfarshire, Aberdeen, and the Convention of Royal Burghs, and I have this day presented one from the Chamber of Commerce of Edinburgh. In 1852 the whole country was agitated on the subject, and the claim was then for extension to £50. The Lord Advocate passed a Bill in 1853 which raised the summary jurisdiction from £8 6*s*. 8*d*. to £12 only. In England after four years' trial it was raised from £20 to £50. I now ask that in Scotland after eight years' trial, it should be raised from £12 to £25. In so moderate a measure I trust that the House will be guided by common sense, and by the experience both of England and Ireland. It is no fault of mine that the measure has not been brought forward by the law officers of the Crown, and the House will, perhaps, recollect that the County Courts Act, from which England has derived so much advantage, was originated by a private Member, and was at first opposed by the legal advisers of the Crown. This is a question of principle, on which laymen are quite as capable of judging as lawyers; there are no technical points of detail, and such Amendments as are required can be introduced in Committee. I regret that, owing to the late period of the Session, I cannot now hope to carry through this measure. But I have been anxious to state its object; and, as it has been very favourably received in Scotland, I shall now give notice, in withdrawing the Bill this year, that early next Session I shall introduce a measure with the same object.

MR. ROEBUCK said, before the hon. and learned Gentleman expresses the opinion of the Government with regard to this measure, I am anxious to address a few words to the House. I am extremely sorry that my hon. Friend has felt it incumbent upon him to withdraw the Bill. The questions involved in it are of so simple a character, are so thoroughly understood, and are so desirable, that I think the Bill, late as the Session is, might have been assented to without discussion, and have passed on the spot. For my own part, I must confess that I cannot see why the Judges of the Sheriff Courts in Scotland should not be as capable of performing the duties of Judges in Small Debt Courts as the Judges who now so advantageously preside over the County Courts in England. I believe that the Bill of my hon. Friend merely provides for Scotland that which it fully deserves—namely, a cheap and expeditious mode of recovering small debts. The Bar of Scotland holds as high a rank as that of England; and there is no reason, therefore, to presume that justice could not be as well administered in Scotland under the change proposed by my hon. Friend as is now the case in England. There is consequently, in my opinion, no reason for maintaining a distinction in such a matter as this between England and Scotland; and I cannot conceive that any difficulty could have arisen if my hon. Friend had persevered with the Bill. The only difficulty which could have been anticipated must have been the apprehended indisposition of the House of Lords to pass such a measure at so advanced a period of the Session, and I am convinced in my own mind that that apprehension has really no foundation. The House of Lords fully appreciates the advantages which the establishment of County Courts has conferred upon the people of this country, and I for one have not the slightest doubt that even at this advanced period of the Session they would not have interposed obstacles to the introduction of the same benefits into Scotland.

THE LORD ADVOCATE: After what has been stated by my hon. Friend (Mr. Caird), that it is not his intention to persevere with the Bill this Session, I shall reserve any opinion I might have had to express in reference to the merits of the propositions contained in the measure until it may be brought forward for discussion in a future Session. At the same time I feel it my duty to say a few words upon the conversation which has taken place in regard to this Bill. The hon. and learned Member for Sheffield, who has just addressed the House, appeared to think that, as the law with regard to the recovery of small debts now stood, Scotland laboured under some considerable disadvantage in comparison with England. Now, my own opinion is that, instead of sustaining any injury, Scotland is at present particularly favoured. There exists in Scotland what I believe has no existence either in England or Ireland—namely, a local jurisdiction, which is reasonably rapid and comparatively cheap. Therefore, before such a change as that proposed by the present Bill is introduced, it behoves us to consider what great advantages would be conferred upon Scotland by an Amendment of the existing law. The present jurisdiction for the recovery of debts, leaving out of the question the Sheriffs' Court jurisdiction, which extends only to debts up to the amount of £12, is not even confined to £20, but is without any limit whatever, and embraces within its scope a great variety of subjects. It is much cheaper than the Queen's Courts, which, before the establishment of the County Court system, were the only resources for the recovery of debts in England. Returns which were moved for some years ago when this question was brought under the discussion of Parliament, showed that the average cost of litigated cases in the Sheriffs' Courts are exceedingly moderate; and as the jurisdiction is summary as well as cheap, there have been no complaints of the law as it now stands. No doubt there are cases between £12 and £25 which may involve as difficult points of law as much larger sums, but at present no difficulty is experienced even upon that point. I fully admit that under the English County Court system the recovery of small debts is both expeditious and economical; and in the large towns of Scotland, the extension of the principle may be attended with advantage; but it is extremely problematical whether, in country towns, where now for a few pounds a decision can be readily obtained from the Sheriff, the same advantages will be derived. If my hon. Friend had simply proposed to raise the small debt jurisdiction to £25, I do not know that there would have been any objection to his Bill; but he proposes to complicate matters by granting an appeal to the Court of Session. I am not prepared to say at present whether that would be advisable or not, but I am fully prepared to state that the machinery which would be introduced under the Bill would be much more cumbrous than that which now exists.

Mr. HADFIELD: I understand that in contested suits the expense now reaches about £15. That is much higher than the cost of a contested suit in this country, under the County Court system; and I think the introduction of a system that would render the process of the recovery of small debts in Scotland more economical would be a great boon. I sincerely trust that the hon. Gentleman will renew his application for a Bill next Session; and I have no doubt that if it succeeds in obtaining the sanction of this House, the people of Scotland will derive great advantage.

Order *discharged;* Bill *withdrawn.*

INDICTABLE OFFENCES (METROPOLITAN DISTRICT) BILL.

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [3rd July],

> "'That the Bill be now read a second time;' and which Amendment was, to leave out the word 'now,' and at the end of the Question to add the words 'upon this day three months.'"

Question again proposed.

Debate *resumed.*

Mr. BRISTOW said, he objected to the Bill, on the ground that it would abolish Grand Juries within the metropolitan district. It seemed to him that, although the right hon. Gentleman the Member for Cambridge University (Mr. Walpole) had moved the second reading of the Bill on a former day, no one really cared about it—not even the right hon. Gentleman the Member for the University of Cambridge, who was not in his place to take charge of it.

Sir GEORGE LEWIS said, that anyone was at liberty to move an order that stood upon the paper. He was favourable to the Bill, and he, therefore, in the absence of the right hon. Gentleman, opposite thought himself at liberty to move the second reading.

Mr. AYRTON said, he should move the adjournment of the debate. It would be extremely inconvenient if, in the absence of hon. Members who had charge of Bills, other hon. Members, without being authorized by them, were to move the Order of the Day. An hon. Member might for some good reason determine not to proceed with a Bill, and then next day he might find that some one behind his back had forwarded it a stage.

Sir GEORGE LEWIS said, that the course he had taken was by no means unusual, for at the end of the Session scarcely a night passed over without some instance of the practice. He had, however, just heard that the right hon. Gentleman in charge of the Bill wished the Order of the Day to be postponed.

Debate *further adjourned* till *Wednesday* next.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—CONSIDERATION.

Order for Consideration, as Amended, read.

Mr. A. EGERTON said, he had given notice of his intention to move a clause on the rating of coal mines, but that owing to the lateness of the Session, he would withdraw the clause, reserving to himself, however, the right to move for the appointment of a Select Committee next Session to consider the subject.

Bill to be read 3° *To-morrow.*

METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clauses 1 to 7 *agreed to.*

Clause 8 (Power to levy rates),

Mr. AYRTON remarked that an Act was passed some few years ago consolidating the law relating to the assessment and collection of county rates, and he believed the law had been found effective, but the Metropolitan Board of Works desired to introduce a new system of assessing and collecting its own rates, instead of adopting the law on the statute book. It was a very inconvenient course of proceeding, and was adopted because the representative of the important parish of St. George's, Hanover Square, had assumed a disagreeable attitude. The better course for the Metropolitan Board of Works would be to introduce a short clause, giving them the same power to collect their rate as the justices had for the collection of the county rate. In that way the Board would be relieved from the inconvenience of exercising their patronage in appointing a great number of rate-collectors. There would then be one law for collecting both rates, and much inconvenience would be saved to the ratepayers.

MR. BRISTOW said, the original Bill was faulty in this respect, that though it enabled the Board of Works to levy a precept if the parish refused to raise the money, they had no power to compel it. In the absence of his hon. Friend (Mr. Tite) he could not consent to striking out the clauses, but he would rather that the Chairman report Progress.

SIR GEORGE LEWIS said, that the proposal of the hon. learned for the Tower Hamlets was a very reasonable and proper one. The rates which were levied by the Metropolitan Board were imposed upon the basis of the county rate, and that being so all that was required was that the Metropolitan Board of Works should have the same power of levying the rates as the county magistrates had. He should move, therefore, the omission of the clauses on the subject, or would consent that they should pass on the understanding that upon the Report a clause should be introduced which would carry out the object of the hon. and learned Gentleman.

MR. BRISTOW said, that he would undertake to bring up such a clause upon the Report.

Clause *agreed to.*

Clauses 9 to 71, inclusive, were also *agreed to.*

Clause 72 (Removal of Encroachments on the Highway),

MR. LOCKE said, that he was informed that the Metropolitan Board had no distinct principle as to the mode in which they exercised the power which this clause conferred; and, therefore, they sometimes allowed an encroachment, and sometimes refused a very necessary work. For instance, there had been what he might term a monstrous exercise of power on the part of the Board of Works with reference to a church in Penton Street. They alleged that the church encroached on the road, which it did not do to the extent of one inch. In the same street there was a ginshop which the Board of Works had taken under their protection which projected more than the church did. A suit was instituted by the Ecclesiastical Commissioners, and Vice Chancellor Stuart had given judgment for them, and in the course of it made some strong observations on the conduct of the Board. On appeal that judgment was overruled by Lord Chancellor Campbell on a dry point of law, yet the latter said that the Board had the right to give their assent to the projection, and that they ought to have given it. Since that decision had been given the Board had been written to for its assent, which had been refused. The consequence was that the Ecclesiastical Commissioners had been compelled to take down the chancel of the church.

MR. BRISTOW said, that in respect to the case referred to, the Lord Chancellor decided that the Metropolitan Board of Works was right—["No, no!"]—that they had kept within the scope of the Act of Parliament. The clause under discussion was considered by the Committee upstairs to be a proper one. The old Act gave to the Metropolitan Board of Works the power to assent to or dissent from any projection beyond the line of frontage in any particular street, and the way that power was exercised was this:—When any person wanted to make a projection he made application to the Metropolitan Board for leave, and the Board sent their superintending architect to examine into the matter, and upon his report the Board generally acted. Some twenty or thirty cases of that kind came before the Board every week, and it was very creditable to the Board that, having been in existence for several years, there was only one case to which exception was taken. Now the object of the clause was to give the Board power to carry out their own orders, a power which they had not at present. The clause would give the Board power to summon a person who might have put up a projection of which the Board did not approve, and a justice might order the alteration or removal of the obstruction, and the expenses to be paid by the parties acting in contravention of the orders of the Board.

MR. LOCKE observed that the Lord Chancellor expressly disapproved the judgment displayed by the Metropolitan Board of Works in the case he had alluded to.

Sir GEORGE LEWIS said, he conceived that the explanation given of the expediency of the clause was quite satisfactory. The hon. Member for Southwark stated that in respect to a particular case the Metropolitan Board of Works had been guilty of misconduct; but, considering that twenty or thirty of these cases came before the Board every week, if their course of practice was a wrong one there would be numerous remonstrances against it, and that there were many was not alleged.

Mr. BARROW said, he was of opinion that the instance which had been adduced showed that the Metropolitan Board of Works had stretched their powers beyond a reasonable extent, and he objected to the present clause, because it would give the Board additional power to enforce their dissents. At present the power of enforcement was left to the local authority of the different vestries, which acted in this respect as a species of Courts of Appeal, and he for one was more inclined to trust the authority to them than to the Metropolitan Board.

Sir JOHN SHELLEY said, he knew nothing of the particular case, but he knew as a member of the vestry that the present law worked inconveniently, inasmuch as the order was given by one body and had to be carried out by another, while sometimes the two bodies differed as to the propriety of the order. The clause would remove the difficulty, and he should, therefore, vote in favour of it.

Mr. NEWDEGATE said, that the Committee was about to inflict on individuals the necessity of defending themselves against the arbitrary discretion of the Metropolitan Board of Works; and he trusted, therefore, the intervention of the vestries would be retained. If, however, the Committee decided on abolishing such intervention they ought to give the parties the power of appealing directly to the Quarter Sessions. At any rate such an appeal would be better than one to the Court of Chancery.

Question put, "That Clause 72 stand part of the Bill."

The Committee *divided*:—Ayes 28; Noes 36: Majority 8.

Clauses 73 to 94 *agreed to*.

Clause 95 (Power to alter the names of streets),

Mr. COWPER said, he objected to old streets having their names altered at the pleasure of the Metropolitan Board, and he would, therefore, propose an Amendment providing that the re-naming of streets should not be left to the mere will of that Board, who might call them after their own names, but should be subject to the approval of the Commissioners of Her Majesty's Works.

Mr. LOCKE said, he was surprised at the Amendment. The Government were quite ready to vote in support of the Board in reference to such matters as the pulling down of houses and the projection of buildings, and were content to oppose them when it came simply to a question of giving names to streets.

Mr. BRISTOW said, he believed the scheme adverted to by the right hon. Gentleman the President of the Board of Works—namely, that it had been proposed that streets should be called after the members of the Metropolitan Board—had originated in *Punch*. He trusted the Amendment would be withdrawn.

Sir JOHN SHELLEY remarked that the right hon. Gentleman the President of the Board of Works was hardly justified in endeavouring to throw ridicule on a body of men who, he felt bound to say, did not, as time would prove, deserve all the attacks which had been made upon them.

Mr. COWPER said, he had read the statement to which he had called the attention of the Committee in the newspapers, and if he were wrong in deeming it to be correct, he was glad to find he was mistaken. He had no wish to say anything against the Board of Works, for, as an hon. Member had stated, there was no lack of persons to do that.

Mr. AYRTON said, he thought the power conferred by the clause of allowing the Board to name, or alter the name of, any street at their pleasure ought to be confined to cases in which there were duplicate streets, or in which several parts of the same street were called by distinct names—as, for instance, in the case of several blocks of buildings in the New Road.

Mr. HARVEY LEWIS said, he could bear testimony from personal experience of the inconvenience and confusion caused by streets in London being called by the same name.

Sir GEORGE LEWIS said, that it was not a matter of first-rate importance, but it was as well that any legislation which took place upon it should be proper. In accordance with the existing law the Board of Works might, "where more than one street in the Metropolis was called by the same name, alter the name of all such streets, except one, to any other which the Board might think fit, subject to the approval of the First Commissioner of Works." The effect of the clause under discussion would be so to enlarge the power thus enjoyed as to enable them to alter the name of any street, whether there was a duplicate or not, and to make that alteration without the sanction of the First Commissioner. Unless some good reason were urged for conferring these enlarged powers he did not see why they should be given.

MR. BRISTOW said, he would undertake, if the clause were passed in its present shape, to bring up a clause on the Report which would confine the power of the Board to the alteration of the streets in those cases in which they found more than one street of the same name.

MR. SOTHERON ESTCOURT said, he did not see why there should be any objection to the sanction of the First Commissioner being rendered necessary in these cases.

Clause *agreed to,* as were the remaining clauses.

MR. CAVE moved the insertion of a clause continuing certain exemptions from paving rates. He stated that in the case of Dock Companies, though they used the pavement in the neighbourhood for which they ought to pay, yet that they ought not to be assessed at the full value of their property, as a great part of their profit was made out of goods re-exported in bond, which passed over no pavement. This had been decided in a Court of law.

MR. DENMAN said, that the case referred to had been overruled; and that it was no longer held that the benefit derived ought to be taken into consideration.

SIR GEORGE LEWIS, MR. TITE, SIR JOHN SHELLEY, and MR. BRISTOW opposed the clause, which was *negatived.*

MR. CAVE then moved the insertion of a clause giving a right of appeal against the decisions of vestries and district Boards under sec. 159, 18 & 19 *Vict.*

MR. DENMAN objected to the clause, because there was an appeal at present in respect of all matters with regard to which parties ought to have an appeal.

MR. E. P. BOUVERIE opposed the clause.

MR. AYRTON said, the clause would virtually transfer to the justices the duties which Parliament had intrusted to the vestries and district Boards.

MR. CAVE said, he not would press the clause, though he doubted whether the right to appeal was sufficiently clear.

Clause *negatived.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

LEASES, &c., BY INCUMBENTS RESTRICTION BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee)

MR. FREELAND moved to insert the following clause:—

"Notwithstanding anything contained in the 11th section of an Act passed in the 14th and 15th years of Her Majesty, chapter 104, any rector, vicar, perpetual curate, or incumbent, shall have such and the same powers of sale, exchange, and enfranchisement as are possessed by any Ecclesiastical Corporation, sole or aggregate, under any Act now in force; and the provisions of an Act passed in the Session held in the 23rd and 24th years of Her Majesty, chapter 124, shall, so far as the same relate to powers for the raising or application of money by trustees, allowances to lessees, arbitration, valuation, rate of interest, apportionment of rent, and substitution of titles on exchange, be applied, *mutatis mutandis,* to sales, exchanges, or enfranchisements of any manors, lands, tenements, or hereditaments in this Act comprised; but the proceeds of any such sales or enfranchisements, and any monies received by way of equality or exchange, shall be applied according to the provisions in that behalf contained in the said Act passed in the Session held in the 5th and 6th years of Her Majesty, chapter 108, and in the said Act passed in the Session held in the 21st and 22nd years of Her Majesty, chapter 57."

Clause *agreed to.*

Bill *reported,* with Amendments; as amended, to be considered *To-morrow.*

House adjourned at Four o'clock.

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HOUSE OF LORDS,

Thursday, July 18, 1861.

MINUTES.] PUBLIC BILLS.—1ª Offences against the Person; Municipal Corporations Act Amendment; Salmon Fisheries; Parochial and Burgh Schools (Scotland); Irremovable Poor; Turnpike Acts Continuance; Public Works and Harbours.

2ª East India (High Courts of Judicature); East India (Civil Service); County Voters (Scotland); Turnpike Trusts Arrangements; White Herring Fishery (Scotland); Vaccination.

3ª Chatham Dockyard Enlargement; London Coal and Wine Dues Continuance.

VOTE OF THANKS (CHINA.)

The LORD CHANCELLOR acquainted the House, That he had received Letters from Vice-Admiral Sir James Hope, K.C.B., and Major General Sir John Michael, K.C.B., in return to the Thanks of this House and to the Resolutions of the 14th of February last, communicated them in obedience to the Order of this to House of the said 14th of February: The said Letters being read, were Ordered to lie on the Table, and to be entered on the Journals.

ASSIMILATION OF CRIMINAL AND CIVIL PROCEDURE.

PETITION.

Lord BROUGHAM *presented* a Petition from Bezer Blundell, praying that a measure may be passed to enable defendants in prosecution for Libel to be examined on Oath. The noble and learned Lord said, that in 1851 he had the great satisfaction of effecting, with their Lordships' concurrence, the most important change and improvement which had for many years been introduced into the procedure, indeed, he might say, into the jurisprudence, of this country—the allowing parties in all civil suits whatever to be examined as witnesses, and compelling them to be examined at the instance of their adversaries. The effects of the change had proved most beneficial in all civil suits, and he had decided to extend it partially to criminal cases, by giving the option to the defendants to be examined if they chose, submitting themselves, of course, to the sifting of cross-examination, which any innocent person must rather desire than wish to avoid. The objection taken to this proposal, when he had introduced a Bill on the subject, was that any person who declined the leave to be examined would be supposed to do so from consciousness of guilt. He (Lord Brougham) owned that this did not much change his opinion, because it would only serve to convict the guilty. The petition which he now had to present afforded a strong illustration of the bad state of the law in this respect. It was from Mr. Blundell, and the facts stated in it strongly supported his (Lord Brougham's) view of the subject, and showed the necessity of a change in the law. Mr. Blundell, in his endeavours to improve the administration of the County Court, became involved in a correspondence which, it was alleged, partook of a libellous tendency. Proceedings were taken against him, and Mr. Blundell offered to deposit £100, to cover the costs of his adversary, if he would allow the action to be brought in a shape which would admit of his being examined. That proposition, however, was declined, and an indictment was brought against him not only for libel, but for an attempt to extort money. The latter part of the case broke down, and an acquittal was directed; but the charge of libel was persevered in, and, as Mr. Blundell was unable to be heard in his own defence as a witness while his adversary was allowed to be favoured, he was convicted though he could have proved the truth of the statement. His only remedy, as he was advised, was to prosecute his opponent for perjury, who would, in turn, be debarred from giving evidence in his own behalf. Mr. Blundell complained of this state of the law of libel, and asked that defendants might be heard in their own behalf. For his own part, he would be prepared to go further, and to extend the principle to all criminal cases.

EAST INDIA (HIGH COURTS OF JUDICATURE) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Earl DE GREY and RIPON, in moving the second reading of this Bill, said, that when the present Secretary of State for India introduced in "another place" his measure of 1853, he stated that, in consequence of evidence which had been given before Committees of both Houses, and in consequence of the opinion of Members of the India Council, the Government had come to the conclusion that it would be desirable to make an effort for the amalgamation of the two chief Courts of Judicature which now existed at each of the Presidency towns. But it was thought desirable that, before taking any steps to carry out the alteration suggested, measures should be adopted for the improvement of the civil and criminal procedure, and a Commission was appointed to report upon the subject. That Commission had drawn up a plan which had been sent out to India. The code of civil procedure had been passed by the Legislative Council, and the reports of its working were most satisfactory. The code of criminal procedure was now passing the Legislature, and would, no doubt, become law in the course of the present year. A penal code for the whole of India had been passed, to come into operation on the 1st of January next. The Government, therefore, were now in a position to redeem the pledge given in 1853. That was the object of the present Bill. At the present moment there existed for Calcutta, Madras, and Bombay two principal courts of judicature, one called the Sudder Court and the other the Supreme Court. In the one the Judges were selected from the Indian civil servants, and in the other they were English barristers. Both Courts exercised a similar jurisdiction, although within different limits. The Supreme Court of Calcutta exercised a jurisdiction of a personal description in regard to Europeans all over India, except in the Presidencies of Madras and Bombay, so that every European, whether in the service of the Government or not, charged with a criminal act, must be taken to Calcutta to be tried. The Sudder Courts exercised a certain amount of superintendence over the proceedings of the Courts in the Mofussil. Now, while it was most desirable that in a Court of last resort there should be combined the advantages and powers possessed by both these Courts, and that it should unite to the legal knowledge and judicial training of English barristers the knowledge of the language, habits, and feelings of the Natives which was possessed by the Civil Service Judges of the Court of Sudder Adawlut, it was equally desirable that the Courts which exercised a superintendence over the inferior Courts should in part consist of persons who had received the training and possessed the knowledge of an English barrister. It appeared to the Government that if the two Courts were amalgamated their supervision might be extended, and the exercise of justice by person well trained in the law would be secured in different parts of the country, thus remedying a great evil of the present system, and providing better security for the due administration of justice. Opinions had been given in favour of the amalgamation of the Supreme and Sudder Courts by many whose judgment in the matter must have the greatest weight, and amongst them Sir Edward Ryan, who at the time he expressed his opinion was Chief Justice of Bombay, and Sir Frederick Halliday, the Lieutenant-Governor of Bengal. The noble Earl having read extracts from the evidence of these gentlemen, proceeded to say that by this Bill they proposed to abolish the existing Supreme Court and the existing Sudder Court, and to form in lieu of them a High Court of Judicature, to be established as the Supreme Court originally was by letters patent. With respect to the qualification of the Judges, it was proposed to take for the legal class the same standard as existed for appointments to the Supreme Court—namely, they must be barristers of five years standing; as to the Civil Service Judges nearly the same standard as existed for the Sudder Courts—namely, they must be of ten years standing in the service, three of which must have been passed as Zillah Judges; or they must have been Judges of an inferior Court for five years, or pleaders in the Supreme or Sudder Courts for ten years. One third of the Judges (including the Chief Justice) were required to be of the legal class, and one third of the Civil servant class. Her Majesty's Government had been anxious to take power for the Governor General, if he should think fit, to appoint certain Natives who had served in the lower Courts of India, Judges of this Court. Lord Canning and other authorities were of opinion that Natives who had acquired experience in the present Courts should be eligible for the highest judicial appointments, and that some of them would be found capable of sitting side by side with British Judges. A very necessary and salutary provision was made for sending Commissioners to try cases in parts of the country distant from the ordinary Courts; and also for the exercise by the High Court of a general supervision over the other Courts in the country, which would place the Chief Justice somewhat in the position of a Minister of Justice. He believed that this measure would improve the administration of justice in India, strengthen the highest Court of judicature in that country, and elevate the character of the other Courts by placing them under its Supervision.

Moved, That the Bill be now read 2^a.

LORD BROUGHAM left it to those who were experienced in Indian affairs to deal with the Bill at large. There was, however, one provision upon which it required no local knowledge of India to express a decided opinion, and which he trusted would be erased from the Bill. He alluded to the provision that the Indian Council should have power not only to appoint the salaries of Judges upon their entrance into office, but from time to time to alter those salaries; the effect of which would be that the emoluments of the Judges would depend upon the pleasure of the Council. It was obvious for what purposes that power might be used, and the proposal was as novel as it was objectionable. He hoped it would be struck out of the Bill.

EARL DE GREY AND RIPON said, that the construction put upon the clause by his noble and learned Friend was certainly not that contemplated by the Government. What was intended was that the power to alter the salaries should not apply to Judges who had been appointed, and whose salaries had been fixed, but only to those who might be "thereafter appointed." That was certainly the intention of the clause, and he would be glad to consider any words which the noble and learned Lord might propose to make it clearer.

THE EARL OF ELLENBOROUGH: I so far concur with the noble Earl (Earl de Grey) that I think it would certainly be a considerable improvement if the Supreme Courts of Calcutta, Madras, and Bombay had given to them the power of despatching one of their members into the Mofussil, for the purpose of trying charges against Europeans. That object might be accomplished without any difficulty by having a single Judge for the purpose at each of those Courts. But it would be advisable, also, to give that Judge the assistance of some person, such as one of the Judges of the Sudder Courts, conversant with the laws, customs, and language of the Natives. Otherwise, the Judge of the Supreme Court despatched to the Mofussil would be completely in the hands of the interpreter and lower officers of the Court, who would probably be bribed by one, and possibly by both of the parties in any case he had to try. This Bill goes very far—indeed, like the other Bills—it goes far beyond the necessities of the case. The noble Earl told us that on the Report of the Law Commission which sat some twenty years ago, and on the evidence which was taken in 1853, Sir Charles Wood in the latter year announced his intention at some time or other of introducing a Bill of the same tendency as the present. Your Lordships, however, knew perfectly well that to give evidence on the general subject and to give evidence as to a Bill actually before Parliament are two very different things. If this Bill had come up early in the Session, I think your Lordships could not have refused—what I would even now propose were it possible—that it should be referred to a Select Committee for the purpose of hearing the opinions and statements, not only of Judges who have exercised authority in the Supreme Court, but of the many learned persons, for learned they are, who have officiated as Judges in the Sudder Courts, and in different parts of the country. We should then have been prepared to decide on this measure with a knowledge of the subject which we have not at present. The state of the Session, however, renders it impossible for us to avail ourselves of that assistance. The idea of this measure is by no means a new one. The Government, indeed, seem to be in possession of a great many exploded ideas which are quite of old date. I can recollect this notion twenty or thirty years ago; and it was weighed and considered and rejected during that period, till it was at length taken up by Sir Charles Wood. I well recollect the very long speech which the right hon. Gentleman made when he first brought the proposal forward, for I calculated that its length was about equal to one of my wars. The Gwalior war consisted of two battles, fought in one day, and the length of the fighting part of that war fell considerably short of the length of Sir Charles Wood's speech. In 1830 Mr. Mountstuart Elphinstone was examined on this subject, as well as on the constitution of the Council, and he gave a decided opinion against the union of the Supreme Courts and the Sudder Courts. Even on the subject of the Council I consider Mr. Mountstuart Elphinstone's opinion as valuable as any we possess; but with respect to any matter connected with the jurisdiction of the Courts and the administration of justice, there has been no man at any time whose opinion deserves so much respect as that of Mr. Mountstuart Elphinstone. He was himself a lawgiver—a great lawgiver—not merely a very able man, but one to whom the people of India were extremely attached, and he was not likely to be opposed to any alteration which would be of advantage to them. Yet, with all his knowledge and with his philosophical mind, he decided that it was not expedient to unite these Courts, and the reason which he gave was that it would introduce into the Mofussil all the technicalities of the English law. I wish those of your Lordships who are connected with Scotland to consider what would be your feelings now if any Government were to introduce into Parliament a Bill for uniting the Courts of Scotland to the Courts of England, and making those Courts consist of three times the number of persons of which they consist at present. What would be your feelings if not only barristers of five years' standing, and gentlemen of the Faculty of Advocates, were supposed to be capable of all possible functions, but persons in a similar position to the Judges of the Zillah and Small Cause Courts were declared eligible to be appointed to the highest Court of judicature—such as Chairman of Quarter Sessions, County Court Judges, and persons of an inferior description who by rural courtesy are called lawyers? But all those persons may be introduced into this Court in India, which you will observe is the Court to which all the Courts throughout India, European and Native, are to appeal. I can imagine great objections to such a fusion of Scotch and English law, and no doubt great inconvenience would result from it. But how infinitely small would be the inconvenience of that amalgamation compared to the inconvenience of the amalgamation which is now proposed. The Judges to proceed to the Mofussil are to form a Court capable of infinite subdivision by their own authority. There is to be one Judge, or two Judges, or three Judges, as they please; and all these different Courts are to exercise the whole appellate and original jurisdiction now possessed by the Sudder Court and by the Supreme Court. English lawyers know nothing of the language of the people. They know nothing of the law by which cases are to be decided. They know nothing of Hindoo or Mahommedan law. They know nothing of the various regulations which, during one hundred years, successive Governors-General have, with great zeal, introduced. They know nothing of the customs of the country or the habits of the people. They know nothing of the laws of caste; and these gentlemen are to be sent into the Mofussil to give satisfaction to the Natives in the administration of the law. I think that if it were desired to devise a system which would produce discontent from one end of India to the other, and degrade the administration of justice, it is that system which is provided by this Bill. But if that is not a sufficient objection, as I think it is, give me leave to draw your Lordships' attention to the financial working of this Bill. With the exception of the noble Lord who has introduced the Bill, I doubt whether any of your Lordships have looked into it to see what will be the cost, and what will be its particular effect upon the expenditure. Three Courts are to be established, and a fourth may be established, and, probably, will be established, for the North-Western Provinces. To show the *animus* with which the Bill was introduced, when it was presented to the House of Commons there was no limit as to the number of Judges. The House of Commons, with rare economy, limited the number to fifteen for each of the four Presidencies. The number of Judges by whom appellate jurisdiction is to be exercised is by this Bill sixty. How many Judges are there now? At Calcutta there are three, at Madras two, and at Bombay two, making seven in all. Of the sixty Judges twenty must be barristers. Thirteen barristers of five years' standing are to go out to India as Judges. Every one of those gentlemen, of necessity, in order to induce them to go and to place them on a level with those who are there, must have £5,000 a year. There are eighteen Judges in the Company's courts; therefore, only two have to be added to complete the twenty who must be covenanted servants. How is the intermediate body of twenty to be made up? No power is given to the Governor General to make an original appointment. It is a greater violation of the principle of Government and the proceedings of Parliament than has ever occurred since the rejection of Mr. Fox's India Bill. It places India patronage of great value in the hands of the Crown. It takes from the Governor General the power of rewarding good judicial servants, and it transfers all the appointments to England. You may depend upon it that it is impossible great mischief under such circumstances should not follow. The result will be, and I believe the result intended is, that the third body of twenty Judges shall also be barristers of five years' standing, and that, in the first instance, thirty-three barristers will have to be sent to India with £5,000 a year each. Observe what is the present charge of judicial administration in India. In the accounts lately presented it is £4,230,000; but from that charge we may fairly deduct the charge for police, and a small charge of about £90,000 incurred in the year under review—1859-60—on account of the mutiny, making together £1,837,000. So that there remains as now expended on account of the administration of justice £2,393,000. Let us see what is the expense of the Supreme Courts already. The salaries of the seven

Judges amount to £44,000. I have no objection whatever to that; but there are other very large charges for contingent expenses. The contingent charges of the three Courts are £83,500 a year, in addition to £44,000 paid in salaries. And the result of the operation of this measure will be this—there will be added to the present expenditure, great as I have shown it to be, the salaries of thirty-five Judges. Their salaries will amount to £175,000, and of that sum £165,000 will go to barristers of five years' standing. But there will be a charge for contingencies connected with these different Courts, and I venture to say it is a very low calculation to put it at £2,500 for each of the thirty-five Judges. If I were to take the average of the same charge for the present Judges, it would be £12,000 a year each; but taking it at £2,500 a year the total sum which this Bill will cost when carried out is £262,000. I do entreat your Lordships not to proceed further without considering what you are about, and hearing the evidence of competent persons as to the expediency of adopting this particular mode of carrying into effect the amalgamation of the Courts, even if it is right there should be an amalgamation at all. As the Bill stands, it appears nothing more than an enormous job for barristers. What effect it will have in India I know not; but this I know—that, if Mr. Mountstuart Elphinstone's opinion be correct, it will produce the greatest discontent and dissatisfaction, and will not further the ends of justice. Recollect that for the first time there is introduced into this measure a provision giving to the Crown, and taking from the Government of India, a very large and most important patronage, the appointment of all the higher officers in the judicial establishment. I cannot consent to that innovation, nor can I consent, without much further information from the most competent authorities, to adopt the principle of the noble Lord's Bill.

THE MARQUESS OF CLANRICARDE believed that it was the opinion of those who had most experience in hearing Indian appeals in the Privy Council that the Supreme Court at Calcutta had worked in an admirable manner. It was a matter, therefore, of very serious moment to attempt to alter a Court of such a character. Nevertheless, he hoped that the Bill would pass without any great alteration. In one or two points it certainly did require alteration. He objected strongly to the provision at the end of the second clause, that one-third of the judges should of necessity be members of the Civil Service. Such a provision was entirely at variance with common sense, and seemed to him equally extraordinary and unconstitutional. He should have thought that the provision should have been just the other way—namely, that not more than one-third should belong to the Civil Service. The whole Civil Service did not number more than 470 members, for notwithstanding the great increase of our Indian territories very immaterial additions had been made to the service. The proviso really enacted that one-third of the Judges should not be trained lawyers, for three years' service in a Zillah Court could not qualify a man to be Judge in a Supreme Court. It was quite right that the courts should be open to the Civil Service, and that members of that service when they showed themselves qualified for high judicial office should be raised to the bench; but he objected to making it imperative that one-third of the Judges should be taken from that service, whether or not it could afford men properly qualified. All the ablest men of the judicial department were taken from it to be placed in political and fiscal posts. He objected also to the clause which provided that the Chief Justice as well as the other Judges should be removable at the pleasure of the Crown. That was a most unconstitutional proposal. It was said that this had always been the case; but India was then governed by the Company, and the Queen's Judges were, therefore, independent of the Indian Government, and stood between the Company and the people. He submitted that it was desirable to perpetuate as far as possible that independence, for there was direct evidence on record that the Indian Government had not unfrequently attempted to influence their judicial officers in the discharge of their duty. The Enam Commission Commissioners had been exchanged two or three times because their decisions were not in accordance with the designs of the Government. He hoped that their Lordships would consider the two points he had mentioned when the Bill was in Committee. In opposition to the opinion of the noble Earl (the Earl of Ellenborough), he believed that sending the Judges on circuit would be of great use, and he repeated that, as far as he could judge, the present Supreme Court was held in high estimation.

EARL DE GREY AND RIPON said, the

noble Earl (the Earl of Ellenborough) had objected to this Bill, that it would amalgamate two Courts which at the present moment had different modes of procedure. The fact was, however, that at the present moment there was one civil procedure in India applicable to all Courts; there was about to be one single criminal procedure, and after the 1st of January next there would be one penal code applicable to all classes in that country. The noble Earl's analogy, therefore, drawn between the proposal made in this Bill and a proposal to amalgamate the Scotch and English Courts entirely failed. The practice of the two Courts would, in point of fact, be the same even if they were kept separate. Then the noble Earl seemed to suppose that the Government were going to appoint sixty Judges under this Bill. This estimate proceeded upon the supposition, which was really quite preposterous, that it was proposed to appoint at once the whole of the fifteen Judges in these Courts. The words of the clause, however, were "not exceeding fifteen." The noble Earl said that forty out of the sixty might be barristers. Now, he did not think he need seriously answer an insinuation that the Bill was introduced to enable the Government to send out forty barristers from England to be Judges in these Courts. It was not the intention of the Bill that two-thirds of the Judges should be English barristers. One-third of the members of the Court were to be Civil Servants, and for the remaining appointments, besides the English barristers who would be eligible, two other qualifications were specified; so that the noble Earl's charge manifestly had no foundation. At present there was no limit by law to the number of Judges in the Sudder Courts. At Calcutta there were five, and within a recent period there had been ten; but those Judges had been appointed under peculiar circumstances, the amount of business being such as to render their appointment necessary. At that time there were thirteen Judges, ten in the Sudder and three in the Supreme Court. It might thus seriously interfere with the requirements of the public service to impose a limit; but there was not the least intention to appoint sixty Judges, and incur the enormous expense which the noble Earl seemed to fear. Their number would be fixed as at present, according to the requirements of the service, with this difference—that, whereas the number of the Judges in the Sudder Courts might now be increased to any extent by the addition of temporary Judges, a limit would be imposed under this Bill. It should be remembered that these Courts were to exercise jurisdiction throughout the whole of India. The duties of the Judges would be most important and various, and, that being so, it would not be right to impose a narrow limit on the discretion of the Indian Government in this particular.

THE EARL OF ELLENBOROUGH would offer a few words in explanation. This Bill amalgamated the Sudder and Supreme Courts, the result of which would be that each would bring all its Judges and all its jurisdiction into partnership. The Sudder Court decided causes which came before it on appeal according to the law which prevailed where those causes were originally heard, which was the Company's law. The Supreme Court decided the causes which came before it according to the Queen's law, which differed materially from that of the Company. Now, when the two Courts were amalgamated they must adjudge the case according to the law of the Court from which the appeal proceeded; and how would the Bill operate in this respect? First of all, the present Chief Justice of the Supreme Court in Calcutta, of whom it was said that a Bill had been introduced specially to put him down, was at his discretion to direct in what manner the Court should be divided on each particular occasion. A division surely meant that there should be a Queen's Judge and a Company's Judge sitting side by side in the different Committees, or else there would be no amalgamation; and if they had an English barrister sitting along with one of the Company's servants, this would practically be analogous to the amalgamation of the English and Scotch Courts, because here would be two Judges, neither of whom was acquainted with the law known to the other, and who would have to decide a case which might involve either kind of law. Another point was the number of barristers who might be appointed Judges under this Bill. When the measure was introduced into the House of Commons there was no limit, no check, to the expenditure that might be made under it on lawyers. But the House of Commons limited the number of Judges to fifteen. There were certain small Courts in India; and there were, besides, persons who acted as pleaders before the Sudder Courts; but he did not believe any person would be selected from these intermediate bodies.

The Bill reminded him of the section of Westminster Hall which he had once seen; the two outside facings of the hall were of fine stone, but the middle was filled up with bad rubble. He thought it quite impossible to come to any conclusion but that the Crown was to appoint the whole sixty Judges, for the Governor General could only nominate when there was a vacancy. He had told their Lordships what might be done under this Bill, and that was a Parliamentary view to take; it was their duty to be suspicious; confidence was not their duty; and he saw nothing in the way in which the Bill was framed to inspire confidence in those who framed it.

THE BISHOP OF LONDON said, there was one point to which he wished to call attention. The Judges of these Courts were to consist partly of Natives, who might be Hindoos or Mahommedans, and they might, from the way in which this Bill was framed, have to exercise their office of Judges in matters ecclesiastical. The Bill abolished the present Court of Appeal in matters ecclesiastical, which was a Court of delegates consisting of three members of the Civil Service in each of the Presidencies. He thought it was desirable that some change should be made in the Bill before it was passed, in order to prevent Native Judges having to exercise jurisdiction in ecclesiastical matters.

THE LORD CHANCELLOR: My Lords, I think it would be a matter of deep regret if anything that has occurred should prove an impediment to the progress of this Bill, which, I think, will distinguish the present Session, by discharging one of the greatest obligations you owe to the people of India. Since I have had the honour of holding a seat in this House, I have listened on several occasions with the pleasure and admiration which all must feel to the speeches of the noble Lord on my left (the Earl of Ellenborough). But I must confess I do not think the speech he has made this evening is distinguished by so much candour or, I will even say, with much respect, by so much knowledge of the subject as generally mark the speeches of the noble Earl. The noble Earl spoke of the Supreme Court in the several Presidencies as if it had not now to administer Native law; but the Supreme Court has an area of jurisdiction within which come the great cities of Calcutta, Madras, and Bombay. Within that area the Judges of the Supreme Court administer not only English but Native law. One principal topic of the noble Earl's speech has been the ignorance of the English barristers, and their unfitness to administer Native law satisfactorily. Yet the present state of the administration of justice in India is this—there is a Supreme Court within whose jurisdiction come the chief towns of the Presidencies; beyond them there is a local jurisdiction that I may describe as divided into districts, each having a Zillah Judge, who decides both in civil and criminal cases. From these Judges there is an appeal to the Sudder Adawlut, and, with great deference to the noble Earl, I must say that, though in theory this Court may have some original jurisdiction, it is practically confined to matters of appeal. What is the result? That, with regard to the Natives beyond the limits of the towns, there is one Supreme Court to administer the law, and with regard to the Natives within the limits there is another. And with regard to British subjects, if they are within the limits of the Presidency towns they are amenable to the jurisdiction of the Supreme Court; but if they are beyond those limits they are subject to no jurisdiction except the limited powers the 53rd of George III. gives to local magistrates of the Mofussil. The result is there is a most unjust and unreasonable distinction between the Natives on one side and the Europeans on the other; one is placed on a different footing from the other. Can this be satisfactory to the Natives of the country? Have you any greater hold, or ought you to seek to have any greater hold, over the Natives of the country than by an elevated, impartial, and pure administration of justice? Can that be attained while you have one law and one administration for the Native, and another for the European? That defect the Bill is proposed to remedy. The noble Earl says, how can we send out English barristers, of five years' standing, to administer Native law? But the Judges in India—I may appeal to the example of Sir William Jones—have been distinguished by the assiduity with which they have cultivated a knowledge of Native law, as much as by the impartiality and skill with which they have administered it. It is true that the Bill merely provides that the barristers who may be selected for these appointments must be of five years' standing; but the noble Earl will permit me to remind him that this is the *minimum* qualification. It does not mean that young men are always to be selected, though a barrister of five years' standing may frequently have a great amount of practical experience in his profession. The late Mr. Justice Patterson had practised below the bar, and laid the foundation of his great reputation by attaining great knowledge of the law, so that when he was elevated to the Bench he was only a barrister of a few years' standing. It would be an unwise thing to require such a number of years' standing for an English barrister as would preclude the possibility of selecting a young and talented man. Now, the manner in which these Judges are to administer the law is this:—A certain number of covenanted servants, and a certain number of Natives, are to be nominated as Judges; circuits will be established, and commissions, sometimes of European, sometimes of Native Judges, according to the exigency of circumstances, will be sent into the Mofussil districts to regulate, control, and set right what may be required in the administration of justice. The noble Earl has drawn a striking picture of the good things which this measure will provide for the members of the Bar. The noble Earl, however, has much exaggerated the generosity of the Government to English barristers, and I am quite sure when his speech is read it will make many mouths water in Westminster Hall, the Sessions House, and the Four Courts, in expectation of such good things as fifteen Judgeships, each with £5,000 a year. Then—which is an extravagance that, with my little knowledge of India, I hardly anticipated—the noble Earl says each of these Judges will have £2,500 whenever they go a circuit, or make a journey into the Mofussil. If this is the anticipation of the noble Earl, it is by no means the anticipation of the Government. There are at present eight Judges in each of the Presidencies, five in the Sudder Court, and three in the Supreme Court; and I have yet to learn that the Judges of the Sudder Court each receive £5,000 a year; and I do not find that this Bill will make any alteration in that respect. On the contrary, its language has been studiously selected to avoid any such obligation. But I do not think that is the mode in which a great question of this kind should be considered. We are providing for the administration of justice among many millions of people. Undoubtedly we should not approach that subject by first making an estimate of what it will cost, but we should approach it in order to establish such a staff of Judges as may be required by the exigencies of the case; not, I admit, beyond the exigencies of the case, but such as is absolutely required for the performance of the duties. Such, undoubtedly, we are under obligations to consider, and that obligation, I submit, no consideration of money should induce us to forbear from acting upon. It was said by the noble Earl that a gentleman of great ability and deserved reputation (Mr. Mountstuart Elphinstone) gave an opinion some years ago to the effect that it would not be desirable to attempt to amalgamate the modes of administering the English and Native law. Now, let us consider what was the ground for that opinion. The noble Earl gave us a reason for that opinion, but that reason, I am happy to say, no longer exists. Mr. Elphinstone, who is frequently cited upon this subject, said he should be sorry to carry the English mode of administering justice into the Mofussil, because it would take with it all the technicalities of English procedure. I agree with him that, if the technicalities of English special pleading existed now as they did at that time the opinion was given, administering justice in the English form would inflict those technicalities upon the Natives of India. But the noble Earl forgets that the Government have delayed the propositions contained in this Bill until they had previously prepared the way by the formation of a simple code both of civil and criminal procedure—a code which we have already tried and found to give satisfaction—a code which combines the merits of cheapness and expedition, as well as the means of simplifying the administration of justice. I think, therefore, the mode of dealing with this subject which the Government have adopted is one consistent with their duty and the proper administration of justice in India. I am particularly desirous that this should be done, because I think the Native laws will, under this form of administration, be fully developed, and in a manner consistent with the results of experience and the improved state of the English jurisdiction. There are a variety of cases in which, without altering the Native law, but adhering to it in all respects in regard to possession and the rights of property, yet as to contracts and mercantile usages there are an infinite number of cases in which the Native law would be improved by being administered under an improved system. Of the various points which have been urged in debate there only remains, I think, that mentioned by the noble Marquess (the Marquess of Clanricarde)—the removability of the Judges at the pleasure of the Crown. The noble Marquess will be relieved of a great part of his apprehensions when he is reminded that, although it has been customary to make the offices of colonial Judges dependent upon the pleasure of the Crown, yet, in reality, there is a rule which has been laid down, which practically gives those Judges the same security as the English Judges; and I remember a case in which the removal of a Judge was reversed, because that rule had not been adhered to—which is, that whenever a cause of complaint is raised against a Judge, that cause of complaint should be brought under his notice, in order that he might have an opportunity of being heard in his defence antecedently to any steps being taken to remove him from his office. The position of a colonial Judge is, therefore, nearly correspondent with that of English Judges, who are removable only upon an Address to the Crown by both Houses of Parliament, and I think the rule I have mentioned is quite sufficient to ensure security in the case of Indian Judges. In conclusion, I may advert to the point raised by the right rev. Prelate (the Bishop of London), and I would remark that there is no more common mistake than to suppose that the word "ecclesiastical" now involves anything that is spiritual. There is no ecclesiastical jurisdiction existing now in England beyond what is exercised by civil courts. The last blow was struck when I had the honour of carrying through Parliament the Testamentary Jurisdiction Bill and the Matrimonial Causes Bill. The ecclesiastical jurisdiction here referred to is a testamentary jurisdiction and a matrimonial jurisdiction. A spiritual jurisdiction relates to questions between a Bishop and his clergy, or between the clergy themselves. However, in order to prevent the possibility of alarm upon the subject, I can assure the right rev. Prelate that it is the intention of the Government to strike out the word "ecclesiastical" and substitute the word "testamentary." Having now referred to the various points that have been mooted I have only further to apologize to your Lordships for trespassing at some length upon your patience.

Motion *agreed to;* Bill read 2^a accordingly; and *committed* to a Committee of the Whole House on *Thursday* next.

The Lord Chancellor

EAST INDIA (CIVIL SERVICE) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

EARL DE GREY AND RIPON rose to move the second reading of this Bill, which, he said, was the last of the series of Bills relating to India which the Government had submitted to Parliament this Session. The first object of the Bill was to confirm a number of appointments which had during a long space of time been made by the Government of India, but upon the legality of which great doubts had been cast. By an Act passed in 1793 covenanted Civil Servants alone were to be appointed to posts in India; but, as the limits of our Indian Empire were extended, and the demand upon the covenanted service increased, the number of Civil Servants was found inadequate, and other persons were appointed. Various attempts were made to justify the proceeding. It was held that in non-regulation provinces, which had been added since 1793, the provisions of the Act of that year did not apply. It was also held that, provided an appointment was not *eo nomine* in existence in 1793, the restrictions of the Act did not apply. To meet the case, it happened frequently that offices were abolished and re-created under a different name, in order to enable uncovenanted servants to be appointed. Thus, an assistant-collector was changed into a deputy-collector. Under the Act of 1793 the postmaster and other officers should be members of the guaranteed service, and even the Military Secretary ought to be not a military man but a covenanted Civil Servant. In consequence of some doubt which arose with regard to an appointment in Bengal, Lord Stanley, who was then at the head of the Indian Administration in this country, caused the opinion of the law officers of the Crown to be taken, and their decision rendered it perfectly clear that under the Act of 1793 not merely the appointment of military men to civil offices, but, likewise, the appointment of Natives to such offices as that of Principal Sudder Ameen was altogether illegal. It was consequently manifest not only that steps ought to be taken to legalize the appointments already made, but that the powers of the Governor General for the future ought to be clearly defined. No one could desire that military men should be excluded from civil and political appointments, which they had filled in various parts of India with the greatest advantage to the public service; or, on the other hand, that certain appointments should be closed against the Natives of India. The object of the Bill, was, consequently, to legalize appointments which had already been made, and to provide that, in future, particular duties might be performed by members either of the covenanted or uncovenanted service. But when such a serious alteration was made in the law of 1793 a question naturally arose as to the position of the Civil Servants. He need not detain their Lordships by dilating on the claims of these public officers, nor by expressing his admiration of the great services which they had rendered since India was first brought under the rule of this country. The Indian Civil Service had produced men of the highest eminence in all the branches of statesmanship, who had done honour not only to India but to England also. It was, consequently, the absolute duty of the Government, when interfering with the law of 1793, to determine the position in which Civil Servants would in future be placed. In deference to representations made by the Civil Servants, the Secretary of State for India had introduced into the Bill a schedule of offices which were to be reserved exclusively for Civil Servants, except in cases where the Governor General, for special reasons, felt it advisable to appoint some person outside their number, and in those instances the appointments were to be only temporary till they obtained the approval of the Secretary of State and the majority of his Council present at a meeting called to consider the appointment. That such an exceptional power ought to exist was shown by the case of Colonel Durand, of whose political experience, and great knowledge of the Natives Lord Canning would have been unable to avail himself under a strict interpretation of the Act of 1793. Sufficient checks were imposed upon those appointments by the fact that a residence of seven years in India was necessary as a qualification, and that the persons selected would be required to possess an acquaintance with the Native languages. The Bill in its present shape had obtained the approval of the representatives of the Civil Service, having been altered in accordance with their suggestions, and received the unanimous support in "another place" of Members of both political parties. He, therefore, trusted their Lordships would not object to its being read a second time.

Moved, That the Bill be now read 2ª.

THE EARL OF ELLENBOROUGH said, every Governor General desired to have the most absolute freedom of selection in filling up the offices at his disposal, and would, no doubt, rather exercise the powers given by the Bill than content himself with those which he possessed under the existing law. But, whatever political advantages might be derived from the measure, he did not think it was just. It was directly in contravention of Parliamentary pledges; it interfered with Parliamentary right, and, unless the Members of the Civil Service were content to waive their privileges, Parliament should continue to extend to them all the advantages they at present possessed. No acts of illegality committed by successive Governors General could in any manner detract from their right to the appointment to those offices. He doubted whether the supposed benefits would result from this Bill, and whether the moment Civil Servants ceased to enjoy the exclusive possession of office in India the same disposition would continue on the part of the people of this country to offer themselves as candidates for that service. If the effect of this new law were materially to diminish the number and to lower the qualifications of persons desirous to fill situations in India, very great mischief would be done. Gentlemen who came off second best at the very strict examinations in this country would set off to India and endeavour to get in at the back door, having failed to get in at the front. Having lived through the prescribed term of years—and with their qualifications they would have no difficulty in obtaining employment in the interval—there was nothing to prevent them from obtaining office, and, perhaps, from distancing in the public service those gentlemen who at the competitive examinations had obtained a greater number of marks. The noble Earl had spoken of the securities provided under the Bill against any impropriety of conduct on the part of the Governor General in appointing persons on special grounds; but he should wish to be informed what security existed against improper appointments in the non-regulation provinces. He looked with extreme regret on what he regarded as steps towards the lowering, if not the extinction and supersession of the Civil Service, in which he recognized a body of independent English gentlemen of honour and integrity; and he doubted extremely whether, under any altered system which might be devised, public officers equally distinguished and equally capable of carrying on the government of India would be obtained.

Lord LYVEDEN observed that the explanation which the noble Lord gave of the objects of the Bill to legalize appointments hitherto made of doubtful legality, and to a certain extent to open the service to uncovenanted servants, was a correct description of the measure as it was first introduced; but it had been materially altered in the House of Commons. Objections were urged to the Bill in its original form that the uncovenanted servant was not subjected to the same tests upon entering the service as the covenanted servants, and also that they were not prohibited from receiving bribes and taking presents, which for the sake of the purity and morality of the service ought to be the case, especially if these appointments were thrown open to them. The Secretary of State had some private conference with those who advanced these objections, and the result had been a complete alteration of the Bill, making the covenanted service even closer than it was at present. The schedule which had been inserted was proposed so late in the passage of the Bill that it had not received due attention in the other House, and it required a great deal of examination before it should be permitted to become law. When they came into Committee he should propose to strike out the second clause and the schedule, and he thought that there would be ample protection remaining for the covenanted servants. The Civil Service was, as every one knew, a very eminent body, but he did not think that on that account the Governor General should, in all cases, be bound to appoint persons belonging to that body when a person better fitted for the vacant office was to be found elsewhere. In this Bill there was no sort of sanction or authority given for the appointment of Natives; the consequence of this would be to place them further than ever from employment. If it was intended to exclude them it would be fairer and franker to say so at once. If not, why were not offices selected for competition at Calcutta whereby they might be admitted? they were not even named in it. But what he objected to in the Bill was its complete alteration without any reason being assigned, and he hoped that it would yet be restored to its original shape.

The Duke of ARGYLL said, that this Bill was opposed by two noble Lords on opposite and contradictory grounds. The noble Earl opposite (the Earl of Ellenborough) alleging that the Bill was unjust because it opened the Civil Service of India, and his noble Friend behind him (Lord Lyveden) objecting that it rendered that service more close. Neither of these objections, however, was well founded. In the first sentence of his speech the noble Earl said that it would be an advantage to the Governor General to be able to appoint any person he pleased to any office which might be vacant. If that were so, then he could not admit that there was in any body of men a vested right which could preclude Parliament from giving to the Governor General as much of that power as it thought it safe to vest in his hands. The original object of making the Civil Service close was to protect the patronage of the Directors against the interference of the Governor General. Now, however, our object was to secure for the Civil Service in India the greatest number of the best men that could be got. The admission to that service was now obtained by competition, and, although he was not prepared to maintain that that system was a perfect one, yet he had always been of opinion that it was much superior to the old plan of patronage. It was surely important that, if the Governor General found one Civil Servant more competent for an office than another, he should be able to appoint him to it; and if there was a gentleman in India not in the public service who was competent to the conduct of public affairs it was certainly for the advantage of the public that he should be placed in an office where his talents might be employed. This Bill was undoubtedly a compromise between the principles of his two noble Friends, one of whom looked upon the Civil Service as a vested interest, and the other thought that the service, to a great extent, should be open. It left the Governor General as free as he was in practice, and more free than he was by law, to appoint to offices persons not belonging to the Civil Service. At present he was not by law entitled to appoint any person not a member of the Civil Service to many offices, but practically he exercised that power. It was now provided that Civil Servants should have the first claim if fit men were to be found in the service, but in default of finding such persons the Governor General was empowered to appoint the fit persons. As to the history of this Bill, it was true that the schedule referred to had been introduced to meet the objections of the Civil Servants in this country; but all that it provided was that the offices mentioned in it the Civil Servants should have the first claim. The Governor General might, however, appoint even to those offices persons not connected with the covenanted service, provided he could show to the Government at home sufficient reasons for the appointments, and the Government approved of them.

THE MARQUESS OF CLANRICARDE believed that no Governor General could carry on the Government in strict conformity with the Act of 1793, for it was impossible that the members of the covenanted service should fill all the offices under the Government of India. He understood that not only had Lord Dalhousie and Lord Canning applied for military officers to fill what were really civil offices, but the commander of the forces in India had been obliged to refuse the number Lord Canning required. So far, therefore, as the Bill opened up the service he cordially approved of it. He was, however, disposed to move an Amendment in Committee, with the view of restoring the Bill to its original shape, so far as it referred to the duration of residence in India and required to entitle a person to be employed by the Governor General. He would propose that instead of seven years the period of time in India should be five years, which, he thought, would be quite long enough. He had, however, a more serious complaint to make against the insufficiency of the Bill. He thought that they had rather debarred than assisted the Natives entering into the Government service by this measure. There had been Parliamentary as well as Ministerial promises given from time to time to the Natives that they should be advanced to greater employment in the service of the Indian Government. The pledge had never been redeemed. It was mere mockery to tell the Natives that they might come over to this country and undergo an examination for Government offices. He submitted that public examinations should be opened in India for Natives, and that when they had qualified themselves by passing those examinations they should be eligible at once for employment by the Government in almost any office. It was not right, nor safe, nor honourable to palter any further with this question.

Motion *agreed to.*

Bill read 2^a accordingly.

THE EARL OF DERBY asked upon what day it was proposed to go into Committee on the two Bills? There was still a good deal of business before the House. He should certainly think it would be better to refer those Bills to a Select Committee of their Lordships' House; but, at this advanced stage of the Session, there might be some risk of losing the Bills altogether by such a course. At the same time, considering what had passed that night in reference to them, it was obvious that the details required mature consideration. As it was likely that many Amendments would be proposed it was desirable that the Committee should be appointed for such an hour in the evening when the attendance of Members of their Lordships' House would be more numerous than it was at present, rather than to bring on the discussion at such a time when the Ministerial side of the House would be represented by seven or eight Members, and the opposite side by only, perhaps, two or three.

EARL GRANVILLE proposed to take the Committee on both Bills on Thursday.

Bill *committed* to a Committee of the Whole House on *Thursday* next.

EDUCATION—SCHOOLS IN SOMERSETSHIRE.

MOTION FOR A RETURN.

THE BISHOP OF BATH AND WELLS moved for a Return of the parishes in the county of Somerset, with a population less than 600, which received Government aid for the schools therein. The right rev. Prelate said he was induced to move for this Return in consequence of the statement made the other evening by the noble Duke who presided over the Colonial Department, on the authority of the Report of the Education Commissioners. He did not wish to say anything against that Report. On the contrary, he believed it to be a most able one. That Report, however, referred to certain tables which were drawn up by Mr. Stevenson in 1857, founded upon the authority of the Inspector's Reports in 1856. In that Report he found it stated that there were 71 schools in the county of Somerset under registered or certificated teachers. He had, however, before him a statement fully authenticated, that instead of 71 such schools in that county there were no less than 156. The Report went on to say that there were 282 parishes in the county, with a population of 600 and under, only one of which received Government aid. He had a paper before him, drawn up by Her Majesty's Inspector, which stated that, so far from it being a fact that the number was only 1 in 282 of these small parishes receiving Government aid, the number was really 1 in 9½. He thought that a Report dated so far back as 1856 ought not to have been relied upon. It was also stated that in the county of Dorset the number of schools receiving Government aid was 1 in 17, in Devonshire 1 in 122. Seeing the mistake which had been made in regard to the county of Somerset, he tested the truth as regarded the county of Devon, and he found that the numbers should be 1 in 15. It should, however, be recollected that in many small parishes there were schools established by resident proprietors who neither sought or would receive Government aid. There were also in Somersetshire, a number of very small parishes where the children were educated to a certain point, and were then able to go to neighbouring and larger parishes where there were schools having certificated teachers, and receiving assistance from the Privy Council; and thus these small parishes benefited by Government grants. It was with the view of ascertaining the the real facts of the case he now moved for the Return of which he had given notice.

Moved,—

"That there be laid before the House, Return of the Parishes in the County of Somerset, with a Population of less than 600, which receive Government aid for the Schools therein."

The Duke of NEWCASTLE assured the right rev. Prelate that in the allusion which he had made to Somerset he had not the slightest intention of throwing any aspersions upon that county. His simple object was to explain why the Commissioners thought that the Privy Council system required some further assistance, and was not as complete as it was generally supposed to be. The inquiry of the Commissioners had extended over two years and a half, and the statistics collected at the commencement of their labours could not be perfectly accurate when they presented their Report; but in the Report it was stated that the Returns had been made two years previously. With regard to Somerset, the figures were made up in 1857; but in the case of three counties, which he quoted, at the close of 1858, the right rev. Prelate had transposed the mode of making the calculation. It was not based on a percentage, but on the number of schools receiving aid in a given number of small parishes. He had inquired at the Privy Council Office what alteration had taken place since the Return he quoted had been made, and he found that in 282 parishes in Somerset, with less than 600 inhabitants, 19 schools were receiving Government aid on the 31st of December, 1860; so that 18 must have been added to the one which was returned in the table and referred to in the Report. He still maintained that there was an enormous deficiency of education in the smaller country parishes. He was aware that there were schools not included in these Returns. Upon many estates schools were supported by landlords, and he had every reason to believe they were well conducted; but it was worthy of consideration whether it was not better to place them under Government inspection. He hoped his explanation would be satisfactory; but if the right rev. Prelate had any wish to have the names of the nineteen schools there would be no objection to give them.

Lord PORTMAN said, that the greatest possible caution should have been exercised by the Privy Council in taking action upon the Report referred to. In Somerset there were a great many small parishes having the farmer and clergyman as the only residents, and no children to go to school; and many parishes where, with excellent schools, no inspector was admitted, because the patrons would not submit to their dictation. The gross number of 282 parishes with less than 600 population was, therefore, capable of a considerable reduction when discussing the general provision made for education in the small parishes of that county. The reason why the landowners in the west of England had been slow to place their schools under Government inspection was that they were very much alarmed at what were called the "management clauses;" but the progress of time has very much lessened their objections, and the regulations have been much mitigated and improved, and he was inclined to think that the time had come when they ought to consider whether Government inspection would not be a very good thing for them. One measure which, no doubt, would very much conduce to more schools being placed under inspection would be for the Government to furnish on a single sheet of paper all the requirements they would exact from those who desired to receive assistance. He must once more protest against the suggestion of the Commissioners to make schools a charge on the county rates nothing could be so injurious to education. He found on inquiry more reasons to doubt the assertions of the Assistant Commissioners who was employed in the western district.

THE BISHOP OF BATH AND WELLS expressed himself satisfied with the noble Duke's explanation.

Motion (by leave of the House) *withdrawn.*

House adjourned at a quarter past
Eight o'clock, till To-morrow
Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 18, 1861.

MINUTES.] PUBLIC BILLS.—2° Metropolitan Building Act Amendment; Public Works (Ireland). 3° Removal of Scotch and Irish Poor; Dublin Revising Barristers; Lunatic Asylums (Ireland) Act Continuance; County Cess (Ireland) Act Continuance; Local Government Act Amendment.

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee read.

House in Committee.

MR. MASSEY in the Chair.

(In the Committee.)

(1.) £110,098, to complete the sum for the Treasury Chest.

SIR HENRY WILLOUGHBY said, he rose to complain of the manner in which the Government dealt with the Treasury chest. As was known to hon. Members, the amount voted for the Treasury chest formed a fund to meet expenses not otherwise provided for by the Votes of the House. Out of that fund, however, payments had been made for several years past without the knowledge of Parliament, which was contrary to every sound rule of financial policy recognized by this country. Even some of the Native troops in India had been kept up at the expense of the Treasury chest, and the amount which had been laid out, and which had never been refunded, amounted to £118,000. These were matters which required explanation.

MR. W. WILLIAMS said, he wished to inquire how it was that there had been a loss to the Treasury chest by the exchanges with Hong Kong?

MR. PEEL said, that the commissariat officers abroad drew upon this country for payment of the troops, and generally when specie was sent from this country to places abroad the transaction was attended with profit. Putting the case of China aside, it would be seen by the Estimate that there was a net gain at other stations of £11,000. But in China the dollar was the medium of payment, and the dollar was obliged to be issued to the troops at the rate of 4*s.* 2*d.*, but as there was an exceptional value attached to the dollar in China, it being in the year 1859-60 equivalent to about 4*s.* 10*d.*, the rate of exchange was unfavourable to this country to the amount of £101,240. In addition to that a quarter of a million had been more recently sent from this country, and as the dollar was then worth 4*s.* 5*d.*, there was a loss to the Treasury of £16,860. With reference to what had been stated by the right hon. Baronet (Sir Henry Willoughby), he knew that there were some advances out of the Treasury chest yet to be settled; but the subject had been under the investigation of a Select Committee of that House, and it therefore was unnecessary that he should go into the subject at that time. That Committee, he believed, had reported, but he had not yet seen their Report.

MR. HENLEY inquired what was the amount of the drawing in relation to which there was a loss of over £100,000?

MR. PEEL replied, three quarters of a million.

Vote *agreed to,* as were also the three following Votes:—

(2.) £5,000, Zambesi Expedition.

(3.) £5,500, to complete the sum for the Niger Expedition.

(4.) £2,000, North-Western Australia Expedition.

(5.) £21,400, Captured Negroes and Liberated Africans.

MR. CAVE called attention to what he considered the extravagant manner which was adopted to carry out what was, no doubt, a very good object. When a vessel of war captured a slaver, she was taken into Sierra Leone or St. Helena. The captured negroes had to be maintained there until a vessel was sent from this country to convey them to the West Indies sometimes for months. He thought the prizes should be sent direct to the West Indies, by which all the expenses they were now put to would be avoided. It had already been decided that when a vessel was taken, as slavers generally were, without papers or colours, she might be dealt with as belonging to no nation, and it could not be said that in any case the negroes exercised any choice in the matter. It was a simple question of economy.

MR. PEEL said, that it was necessary to take the prize to the nearest British island where there was a court to adjudicate upon the capture. In many instances the slaves were not in a condition, when the vessel was seized, to be taken to the distance of the West Indies.

MR. CAVE said, that might be so sometimes; but in many instances the voyage down the Trade winds to the West Indies would be shorter than beating up to Sierra Leone or St. Helena.

Vote *agreed to*, as was also

(6.) £4,750, Mixed Commissions, Traffic in Slaves.

(7.) Motion made and Question proposed,

"That a sum, not exceeding £128,143, be granted to Her Majesty, to complete the sum necessary to defray the Expense of the Consular Establishments Abroad, to the 31st day of March, 1862."

MR. DODSON said, he wished to call attention to the appointment of Consuls at inland towns in Europe. The duties of Consuls were described as of three kinds, "commercial duties," "notarial duties," and "State duties." These duties were more or less in a great measure, if not almost entirely, connected with the affairs of shipping. But when they put Consuls at the inland towns of Europe they were little else than agents for persons who were travelling or for commercial houses at home. If agents, however, were required by commercial houses, they ought to pay for them themselves, and not charge the expense to the State. If such agents were required by the Government to collect statistical or other information, they ought to be called statistical agents or some other name which should not throw dust in the eyes of the country. The Consuls at inland towns in Europe were nine in number. They were at Moscow, Leipsic, Frankfort, Cologne, Ghent, Milan, Seville, Rome, and Warsaw, and only the other day an attempt was made to have one appointed at Pesth. The Committee which had considered the subject under the Administration of the Earl of Derby were of opinion that the consulates at Leipsic, Frankfort, Cologne, Ghent, Seville, were useless, and might well be abolished. Taking the case of Leipsic, for example, he would ask, what was the importance of having a Consul there? The fair was declining, and British goods now found their way by a different route, so that a Consul was less wanted than before. If a Consul was wanted at Leipsic, a Legation at Dresden could not likewise be required. At many places where Consuls were stationed the duty might be transacted by clerks attached to the Embassy, as at Paris. The noble Lord had told them that the greatest economy would be practised in the appointment of Consuls; but he declined to abolish the consulate at Leipsic, and only last autumn a Consul General had been established at Milan at a salary of £800 a year. Since the establishment of the kingdom of Italy a Consul General in that town had become, in his opinion, entirely useless. After being six months in his office that Consul General wrote home that he had no information to give the Government—that he could give no statistics on commercial matters, as all goods came to Milan by way of Genoa, where they paid duty, and it was there the required information could alone be given. In fact, the Consul General referred the Government for information to an article written by the *The Times'* correspondent at Turin. He hoped also that some information would be given why Consuls were maintained at Moscow, Leipsic, Cologne, and the other places he had named.

MR. W. WILLIAMS complained of the appointment of Vice-Consuls at Venice, Lisbon, and Manilla, as unnecessary, as their offices must be perfect sinecures. Again, there was no necessity for a Vice-Consul at Hamburgh. No doubt they carried on an extensive trade with that place, but the duties had hitherto been discharged by a Consul at a salary of £1,500 a year. He found also that there was an addition of £500 a year for a residence for the Consul. Instead of a reduction in the expenditure for Consuls, there had been a large addition, amounting to £5,000 or £6,000 a year. In the United States, with which the country had so large a trade, there were fourteen Consuls, costing £25,000 a year, while in Turkey there were fifty-one, costing £25,000 a year.

LORD JOHN RUSSELL said, the Committee which sat on the subject had made valuable recommendations, some of which he had endeavoured to carry out. One of the recommendations of the Committee was that allowances should be made to Consuls, and that the fees they received should be paid over to the Treasury. That had been carried out, and in the year 1860 there was remitted to the Treasury a payment in fees of £44,000, and in the year 1861 of £9,000. In consequence allowances had in some instances been given—as at Hamburg, for example, where a Vice-Consul had also been appointed. He had to state generally that he was constantly being importuned to appoint new Consuls in various parts of the world—at Liberia for instance—but his uniform course had been to make no new appointments that were not called for by absolute necessity, and to abolish as far as possible the number now in existence. The hon. Member (Mr. Dodson) thought it was not necessary to have Consuls in the inland towns. But, not to speak of the commercial interests they might have to attend to in those towns, they had political duties, sometimes of an important character, to discharge. At the same time wherever it was thought practicable these consulships would be abolished. It was not intended, for example, to appoint any new Consul at Ghent, and at Paris the duties of the consulship would in future be done by the librarian attached to the Embassy. The hon. Member seemed to think that the Consul at Leipsic ought not to be retained, and he urged, very truly, that the importance of Leipsic as a commercial mart had very much diminished. Looking at the mere claims of Leipsic, a Consul there would perhaps not be necessary, but there were other grounds on which his retention could be advocated; and here he would make a general observation that would apply to many such cases. We had great diplomatic establishments at the various Courts of Europe, by which the relations between our Government and the authorities of those places were kept up. Our diplomatic agents had intercourse with the Ministers for Foreign Affairs connected with the Governments to which they were accredited; but there was a great deal going on in Germany, for example, partly connected with commercial and manufacturing interests and partly connected with political affairs, on which it was desirable to get information, and he found that it was from our consular agents, who were in communication with the middle and other classes of society, that much of this information could be obtained. Much valuable information was from time to time given to the Foreign Office from that source. There were at that moment important questions pending with regard to trade and commerce between France and the Zollverein. The German manufacturers complained that, owing to our commercial treaty with France last year, they were placed at a great disadvantage with regard to the introduction of their manufactures into France, and on that point there was a good deal of discussion going on in Germany. Now, it was important that we should know what was going on with regard to the question. It was our interest to see that our manufacturers were not placed at a disadvantage, and, therefore, any information on the subject that could be communicated to the Foreign Office was useful. With regard to Cologne, a Consul was, perhaps, not of much use there, in so far as trade was concerned; but it was an important central point for conveying messages to different parts of Germany. The attendance of a Consul at Moscow was necessary, in order that our Ambassador at St. Petersburgh might be furnished with information of the transactions that take place in Central Russia. At Warsaw the Consul was a military officer, whose services it was important to retain. The Russian Government had never made any objection to our having that officer there, owing, he believed, to the judicious appointments that had always been made. With regard to Milan, he would not say that it was necessary to continue a Consul permanently there. At the same time so great a change had taken place in the affairs of Italy that it was very important we should in the meantime have as much information as possible as to the effect produced by that change. The importance of Lombardy was such that he thought it desirable to have a Consul at Milan to give all the information that might be required, but it was not intended that the appointment should be a permanent one. He had even been pressed to appoint a Consul at Florence, which he did not agree to. The Consul at Seville was not necessary, and the office should be abolished on a vacancy occurring. There were other exceptional cases in which it was thought proper to continue for the present the consular establishments now existing, but these would from time to time be abolished. He could not, however, hold out the expectation that any great reduction of expenditure could be effected; he hoped a reduction would, in course of time, take place, but he did not suppose that it would be very large. With regard to Turkey, he would make this general observation, that all the Powers of Europe had Consuls in numerous places throughout that empire, and that those Consuls exercised political functions to a very great extent. He lamented that the system had gone so far as it had done, but it would be plainly impolitic to leave British interests in those places unprotected, and to have the complaint made that French and Russian and German subjects were protected, but that there was no official to look after the interests of British subjects. If there was to be any change of the system it must be a gradual one, but he hoped it would be made through the increased efficiency and purity of the Turkish Administration, which would render the presence of so many foreign Consuls unnecessary in Turkey.

MR. WHITE said, that he was astonished at the confession made by the noble Lord that our diplomatic agents abroad could not get the information that was desirable from the commercial classes, and that it was necessary to have recourse to Consuls for that purpose. This was a very humiliating confession for a Minister to make, though he could not altogether share in the opinion which it implied, for he was bound to say that some of the most valuable Reports on commercial matters ever published came from aristocratic members of the diplomatic body. As an instance he would refer to the Report on wines by Lord Chelsea. Neither did the justification which had been offered for the maintenance of consulates in the inland towns of Germany appear to him satisfactory. He begged, on the part of the mercantile community, to repudiate the assertion that mercantile men derived benefit from the consular Reports from the interior of Germany—mercantile men were too much alive to their own interests to be dependent upon such information. Nothing could be more absurd than the maintenance of a consulate at Leipsic. Germany, in his opinion, would furnish a field for the diminution not only of the Consular but of the Ambassadorial Service.

LORD HARRY VANE said, that he did not agree with the hon. Member for Brighton that the consulates ought to be abolished in the inland towns of Germany. Information of a valuable character was continually received through their instrumentality; and without their aid the Government would be often ignorant of important facts necessary to guide their judgment and influence their action. He did not think that any great economy could be effected in the reduction of the Consular Service, but at the same time they should be on their guard against any large increase in those establishments.

MR. W. E. FORSTER said, he trusted nothing would induce the noble Lord to discontinue the Consular Establishments in the inland towns of the Zollverein. The commercial interests of the country were immensely affected by the negotiations which were now going on between France and the Zollverein, and it was of the highest importance that they should be carefully attended to. He trusted that the result would be the same as that to which he had lately called attention in the case of Belgium, and that our manufactures would be placed in as advanageous a position as those of France.

MR. FREELAND thought that the Committee were much indebted to his hon. Friend the Member for Sussex for having directed their attention to the Consular Service. He was glad that his hon. Friend had not proposed at present any reduction in the Consular Establishment in the Levant. Still, that was a part of the world in which our Consuls were very numerous, and in which Consular interference was regarded with peculiar jealousy. We had sixty-two Consuls in the Levant, and others in Tripoli and Egypt. He hoped, however, that the new Sultan by his reforms and by the introduction of better laws, would render Consular interposition less necessary, and that ultimately the number of Consuls might be reduced. He was sorry that the noble Lord the Secretary of State for Foreign Affairs had not been able to give them more satisfactory reasons for the appointment of a Consul at Leipsic. He thought that our diplomatic staff at Dresden might manage to do all that we required in those parts. There was one point which had not been alluded to, and that was the permission given to some Consuls to trade, which he thought objectionable. No fixed rule appeared to be adopted. At St. Petersburgh, where there was much business, the English Consul was allowed to trade, but not at Odessa, where the public business was less. So, too, at Trieste, where there was much business, the Consul was allowed to trade; but not at Venice, where there was less business, He thought that no Consul ought to be allowed to engage in trading operations. The business of a Consul was to facilitate commercial intercourse, and to supply for the benefit of the country appointing him the earliest information on commercial matters. If, however, he were a trader, he might have a private interest in keeping back that information for his own advantage. A trading Consul, too, was more open to suspicion, and less likely than one not engaged in trade to get reliable information. He thought that the employment of foreigners as Consuls was objectionable, and that trained and educated Englishmen should be preferred. He hoped that the Government would look well to the consular establishment, and that ultimately they might reduce the number of Consuls without impairing the efficiency of the service.

MR. SEYMOUR FITZGERALD said, he thought that hon. Gentlemen had scarcely made themselves acquainted with the recommendations of the Committee upon the consular service. It was quite impossible to rearrange a whole establishment such as that which they had in the various countries abroad. If, for instance, a man had received his appointment years ago with liberty to trade, if that liberty was taken away, something must be given to compensate him for the loss. The result of that short discussion convinced him that some of those who had engaged in it had not watched the course of the Foreign Office for some years; for its policy of late, whether the Earl of Clarendon, the Earl of Malmesbury, or the noble Lord opposite had been at its head, had been marked by a desire to sweep away every unnecessary appointment in the consular service. The number of appointments abolished within the last ten or twenty years would surprise any hon. Member who would call for a return. The House, however, would entertain a wrong impresion if it supposed that the sweeping away of all unnecessary consulates necessarily implied any large reduction in the Estimates. The great increase in the cost of living that had taken place of late years in every part of the world had rendered the consular service one of the worst paid that could be named, and in some cases men of education had found it impossible to discharge the duties required of them without falling into debt. There could be no worse principle followed than that of underpaying their public servants, as it had the effect of excluding those who were not possessed of ample means and admitting only those who had. He was afraid that, notwithstanding the sanguine expectations of the noble Lord, the expense of our consular establishments would rather be increased than otherwise.

MR. ALDERMAN SALOMONS said, he agreed with the hon. Member for Bradford (Mr. Forster) as to the importance of maintaining Consuls for the purpose of transmitting statistics upon commercial matters. Leipsic, being a central place, appeared to him to be a point from which the commercial transactions of Germany could most readily be watched. It should, however, be a great object with the Foreign Office to observe the changes which were daily taking place in the relative importance of towns, owing to railway and other causes, and to make the necessary alterations in the service which those changes might require.

MR. AUGUSTUS SMITH said, he was much afraid that the maintenance of Consuls at Leipsic and other similar places in Germany would not affect the object which the hon. Member for Bradford had in view —the maintenance of our commercial interests. He objected strongly to the appointment of a Consul at Réunion, where our trade was very insignificant. He also objected to a Consul at Frankfort, and he should, therefore, move for a reduction of the Vote by £2,300, being the sum appropriated for Consuls at Réunion, Frankfort, and other places.

Motion made, and Question proposed,

"That a sum, not exceeding £125,843, be granted to Her Majesty, to complete the sum necessary to defray the Expense of the Consular Establishments Abroad, to the 31st day of March, 1862."

CAPTAIN JERVIS observed that it was very difficult for a diplomatic agent to obtain that commercial information which, in many cases, it was very essential the country should have. Nor had they the same opportunities of gaining that intimate knowledge of the commercial feelings of a people which Consuls had. He expressed his conviction that the noble Lord in two late appointments at Leipsic and Japan had been influenced solely by a desire to benefit the public service.

MR. TURNER said, he should vote against the Amendment. He did not think it desirable that economy in the matter should be carried to too great an extent, and he did not think it would be prudent to put an end to the consulates to which he referred. He did not think Consuls should be prevented from trading, unless they were paid such salaries as would support them creditably without it. At the present moment it was of the utmost importance that we should have consular agents in every part of Germany.

Lord JOHN RUSSELL said, that there were two points on which he felt bound to give some explanation. One had been raised by the hon. Member for Truro (Mr. A. Smith) with regard to the appointment of a Consul at Réunion. He would admit that as regards the trade between the country and Réunion, it would be quite unnecessary to appoint a Consul. He was afraid, however, that the hon. Member had not attended to what had been going on recently, especially with reference to a decree of the Emperor of the French, or he would not have called in question the propriety of appointing a Consul for Réunion. The system of contracts by which the French colonists procured labourers from Africa; it was found tended to produce great abuses in the interior and on the coast of Africa, and the result was the late decree of the Emperor of the French on the subject. There had been a great many communications between Her Majesty's Government and the Government of France on the subject, the result of which was that there should be extended to Réunion the same advantages that were enjoyed by the Mauritius—namely, that coolies who were engaged as labourers should be permitted to go to Réunion on the same terms on which they were sent to the Mauritius. But at the Mauritius there was a proper instituted authority to see that no abuses took place, and the Government of India naturally wished that at Réunion the interests of the coolies should be protected in the same way, and that their contracts should be fairly carried out, and that they should have liberty to return home when the period of their contracts expired, or in the event of the terms to which they agreed not being fulfilled. The course which appeared to Her Majesty's Government the best to secure those objects was that there should be a British Consul at Réunion to whom the coolies might make known any complaints that they might have to make. It was for the purposes of humanity that the Consul was appointed, and he thought they might congratulate themselves upon having arranged a convention of that nature with the French Government. An hon. Gentleman had asked what was the principle upon which they proceeded in saying that certain Consuls should be allowed to trade and others should not. The general principle was a very simple one. It was supposed that where there was a considerable amount of British trade it justified the appointment of a Consul, at a salary that would enable him to live in the place. Where, however, there was very little trade, the question was whether they should appoint a Consul who should be allowed to trade, or have no Consul at all? For instance, if he were to propose to that House that in every place where they had a Consul there should be a salary attached that would enable the person to live without trade, the increase of the consular estimates would be very great. The Government, therefore, laid it down as a rule that where there was sufficient trade to support a Consul he should not be allowed to trade, but where the amount of trade was not considerable there should be a Consul appointed at a small salary who should be allowed to trade. There was at present a Consul at Frankfort, but whenever it should be vacant it was intended that no new Consul should be appointed.

Mr. G. W. HOPE remarked that he should support the appointment of a Consul at Réunion as necessary for the security of the coolies.

Mr. AUGUSTUS SMITH said, that as the coolies were sent from India for the advancement of French interests in Réunion, he did not think the people of this country ought to be saddled with the cost of looking after them. He would not, however, divide the Committee.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(8.) £64,646, Establishments in China, Japan, and Siam.

Colonel SYKES complained of the disparity of the allowances for the diplomatic services in China and at Japan. In China, where the work of the embassy might be regarded as very small, in consequence of the recent treaty, the allowance was £8,500, with a numerous staff, while at Japan, where the duty was one of great difficulty and risk, the allowance was only £2,500, and the appointment only that of a Secretary of Legation. He recommended a general revision of the whole of the Diplomatic and Consular Establishments in China.

Lord JOHN RUSSELL said, he could only say that, in fixing the comparative amounts proposed to be taken for China and Japan, regard had been had to the numbers, size, and importance of the two places, rather than to the merits of the individual. He was happy to say that accounts had been received on the previous day from Mr. Bruce, at Pekin, of a most satisfactory nature. He stated that the officers of our mission at that city were received and treated there without any of that strangeness and wonder which had hitherto been exhibited, and there was every prospect that the commercial relations of this country with China would be established on a better footing than they had ever been before.

In reply to Mr. WHITE,

LORD JOHN RUSSELL said, he was responsible for the appointment of Mr. Oliphant. He (Lord John Russell) had formed his judgment of Mr. Oliphant, not from any private knowledge of him, but entirely from the accounts he received at different times from Lord Elgin in regard to his qualifications; and his published works showed him to be a man of no common talent and ability.

Vote *agreed to*, as was also

(9.) £30,000, to complete the sum for Ministers at Foreign Courts).

(10.) Motion made, and Question proposed,

> "That a sum, not exceeding £40,000, be granted to Her Majesty, to complete the sum necessary to defray the Expense of Special Missions, Diplomatic Outfits, and Conveyance of Colonial Officers and others, to the 31st day of March, 1862."

MR. W. WILLIAMS drew attention to the expenditure under this head, and said that he could not conceive what we wanted with seven Diplomatic Establishments in Germany.

SIR HENRY WILLOUGHBY said, he would ask for an explanation of the large charge for brokerage.

LORD JOHN RUSSELL said, that it very often happened that information which was not given at Vienna or Berlin was obtained at the minor courts. They were all separate and independent States, in friendly relations with this country, and it was a great advantage to keep up the missions at these Courts. The contingent expenses in Turkey had, no doubt, been very large; but that arose from the anomalous state of that country. With regard to the item for commission, he had not the explanation immediately before him, but he had no doubt it arose from the difficulty of obtaining money.

MR. SEYMOUR FITZGERALD explained that the charge was mainly occasioned by the difference in the rates of exchange.

MR. AUGUSTUS SMITH said, that they had paid over £500,000 for the Diplomatic and Consular Service. That was a monstrous expenditure. Yet when anything really important had to be transacted a special agent had to be sent for the purpose. Whether it was a commercial treaty or something to be done at Vienna, an extraordinary minister or agent was appointed. He should move that the Vote be reduced by £20,000.

SIR HENRY WILLOUGHBY said, the Vote was important as it was the introduction of a new principle, having for its object to get rid of the Vote for civil contingencies. The Committee was asked, however, to vote a lump sum, and he wanted to know how the account of the expenditure was to be stated?

MR. SEYMOUR FITZGERALD said, he expected that the Vote was for the payment of expenses already incurred. If not, he thought they should have some explanation of it.

MR. PEEL said, that the Vote had been taken out of the Vote for Civil Service contingencies, on the recommendation of the Committee on Miscellaneous Expenditure. It was impossible to give the precise items of expense which might be incurred, but if the Committee wished, there could be no objection to a statement of the expenditure being prepared at the end of the year. Of course, the Vote for Civil Service contingencies had been reduced by the amount of the Vote.

LORD HARRY VANE said, he thought the explanation unsatisfactory.

MR. HENLEY said, he wished to point out that the expenses of the last three years, averaging between £66,000 and £67,000 a year, were printed in the Estimates as a foundation for the present Vote, which was only £50,000. That was curious, as well as satisfactory, unless there should be "a little bill," showing itself by-and-by in another place.

LORD JOHN RUSSELL pointed out that it would be impossible to give an estimate of the expenditure under this Vote. It was imposible for him to say that a Special Mission would not be necessary in September or November. What had been done in the Estimates, therefore, —namely, taking an average—seemed to him the fairest way of putting the Vote.

With regard to the salaries of the diplomatic body it was true they were scarcely under the control of the House. But there had been hardly any increase in them since they were fixed thirty years ago. He noticed that when the House had taken similar things under its charge they had materially increased.

Motion made, and Question,

"That a sum, not exceeding £20,000, be granted to Her Majesty, to complete the sum necessary to defray the Expense of Special Missions, Diplomatic Outfits, and Conveyance of Colonial Officers and others, to the 31st day of March, 1862."

—put, and *negatived.*

Original Question put, and *agreed to.*

(11.) £60,000, North American Boundary Commission.

MR. W. WILLIAMS observed that the amount was very large, and that he wished for some explanation.

MR. PEEL said, it was incurred for the settlement of the territorial boundary of the possessions of Great Britain and the United States west of the Rocky Mountains, in accordance with the agreed extension on the forty-ninth parallel of latitude. An expedition had been sent out, consisting of Colonel Hawkins and fifty men of the Sappers and Miners. Colonel Hawkins had £1,200 a year, and the men 6*s.* a day. He believed that the large expenditure had principally been caused by the great cost of provisions and the difficulty of communications. The Treasury had, however, written to Colonel Hawkins to know whether the work had not been carried far enough to allow of the return of the expedition. He understood that two-thirds of the distance had been accomplished.

SIR HENRY WILLOUGHBY asked, if the right hon. Gentleman could state the entire sum that would be required?

MR. PEEL said, that Colonel Hawkins had expressed his belief that the bulk of the expenditure had been incurred.

LORD JOHN RUSSELL said, that he believed the Commissioners were agreed as to the line they were to draw, but they entertained considerable doubt how far they ought to go to in expense in the erection of permanent works in connection with impassable forests and morasses. The Government could only recommend them to observe the utmost possible economy.

Vote *agreed to.*

£145,140, to complete the sum for Superannuation and Retired Allowances.

COLONEL FRENCH said, he would submit that barrack-masters, many of whom

had been distinguished officers, should be entitled to receive a higher amount of retiring allowances.

COLONEL DUNNE said, he thought that the claims of those officers should be dealt with by the Secretary of War, and not by the Treasury.

MR. PEEL said, that the retiring allowances of the barrack-masters were in the Army Estimates, and not in the Civil Estimates, and he was not aware that they were under the control of the Treasury.

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *this day.*

OPERATIONS IN CHINA—ACKNOWLEDGMENT OF THANKS.

MR. SPEAKER acquainted the House, that he had this day received from Vice Admiral Sir James Hope, Knight Commander of the Bath, Commander in Chief of Her Majesty's Naval Forces in the East Indies and China; and from Major General Sir John Michel, Knight Commander of the Bath, commanding Her Majesty's Troops in China, the following Letter in respect to the Thanks of this House, which were communicated to the Officers in command of Her Majesty's Naval and Land Forces in China, in obedience to the commands of this House of the 14th day of February last.

Letters read, as follow:—

"*Impérieuse*, Hong Kong,
"24th May, 1861.

"SIR,—I have the honor to acknowledge the receipt of your Letter transmitting the Resolutions of the Honourable the House of Commons conveying their Thanks to the Flag Officers, Officers, Seamen, and Marines belonging to the Naval Force employed in the recent operations in the North of China, and you will pleased to acquaint the House, that I have ordered the same to be read publicly by the Commanding Officers of the respective Ships of the Squadron, to their Officers and Ships' Companies assembled on the quarter deck.

"I have the honor to be, Sir,
Your most obedient, humble Servant,
J. HOPE,
Vice Admiral and Commander in Chief.

"To the Right Honorable, the Speaker
of the House of Commons."

"Head Quarters, Hong Kong,
"25 May, 1861.

"SIR,—I have the honor to acknowledge the receipt of your Letter, and the accompanying Resolutions of the Honourable the House of Commons, agreed to on the 14th February last.

"Having communicated to the Army in China these Resolutions, whilst returning their thanks, in the name of that Army, I solicit that you will express to the Honourable House the sense entertained by them of the distinguished honor thus conferred.

"I have the honor to be Sir,
Your obedient Servant,
J. MICHEL, Maj. General,
Comg. H. B. M's. Troops in China.

"To the Right Honorable the Speaker of the Honourable the House of Commons."

TRADE MARKS BILL.—COMMITTEE.

Order for Committee read.

MR. HADFIELD said, he wished to ask the right hon. Gentleman, the President of the Board of Trade, whether he intends to proceed with this Bill?

MR. MILNER GIBSON said, that the Trade Marks Bill had given rise to a good deal of discussion, and the measure was not at all likely to be carried during the present Session. The Government were of opinion that some legislation was necessary to prevent the use of forged Trade Marks, but there was great difference of opinion among the traders as to the precise form of the provisions of the Bill. The subject had never been inquired into by a Select Committee of that House; and it had been suggested that the present measure should be withdrawn, and that a Bill should be brought in the first thing next Session, and that it should be referred to a Select Committee in order that all interests might be fairly heard and discussed. He thought, therefore, the proper course to pursue would be to move that the Order for Committing the Bill be now discharged.

Committee *put off* for *three months.*

INDIAN MEDICAL OFFICERS.

QUESTION.

MR. BAZLEY said, he would beg to ask the Secretary of State for India, When his promise to place the Medical Officers of Her Majesty's Indian Army upon a perfect footing of equality with Medical Officers of Her Majesty's British Army will be carried into effect; and to inquire the reason why the Medical Officers of Her Majesty's Indian Army are deprived of Commissions according to their relative rank, which are granted to Medical Officers of Her Majesty's British Army; and, if it is the intention of Government to adopt any measures to prevent Medical Officers of Her Majesty's Indian Army being superseded by the Medical Officers of Her Majesty's British Army of equal standing standing in the service?

SIR CHARLES WOOD said, he was not aware of any promise he had made on the subject; but what he had done was that a Queen's warrant was sent out to India, putting these Officers on a footing of perfect equality in point of rank with the other Officers. He apprehended that what his hon. Friend referred to was their being placed below Officers of the Queen's Army of the same standing. That whole subject of the medical service in India had been referred to the consideration of the Governor General, and he was waiting for his noble Friend's opinion.

EDINBURGH POST OFFICE.—QUESTION.

MR. BLACK said, he wished to ask the First Commissioner of Works, If he has received any Tender for building the General Post Office at Edinburgh, and if he has any objection to state what has been the cause of the delay in proceeding with the execution of the plan, and if there is any prospect of its being speedily commenced?

MR. COWPER replied that about a fortnight ago he had employed an authorized surveyor to take out quantities and make specifications. When that process was completed tenders would be called for. The delay that had arisen was from a desire to combine handsomeness in building with convenience and economy, and he believed the delay had contributed to both objects.

CORRUPT PRACTICES AT ELECTIONS.

QUESTION.

MR. COLLINS said, he would beg to ask the Secretary of State for the Home Department, On what day he intends to introduce the usual Continuance Bill relating to the prevention of Corrupt Practices at Elections?

SIR GEORGE LEWIS said, he would state on Monday whether it was possible to proceed with the Bill on this subject now on the Paper. If not, it would then be necessary to introduce a Continuance Bill.

STATUES OF BRITISH SOVEREIGNS.

QUESTION.

MR. GREGORY said, he wished to ask the First Commissioner of Works, Whether it is true that the four Statues to be erected in the Royal Gallery, for which £3,200 have been voted, are to be the Statues of William IV., George IV., James I., and Charles I.; and, if so, whether such selection is in accordance with the pledge given to the House by the Commissioner of Works, August 3, 1860?

Mr. COWPER: Sir, I cannot plead guilty to having been so sanguine as to give what my hon. Friend has called a pledge on such a subject. When a Member of the Government obtains a Vote from Parliament any explanation he may give in reference to that Vote may fairly be considered a pledge, which ought to be rigorously and scrupulously observed. And I trust I shall never be open to the charge of having swerved by one hair's breadth from any pledge that I may give. I must remind my hon. Friend that the case to which he has alluded is the opposite of this. No Vote of money was obtained from the House, and I made no explanation with reference to an expenditure that was not voted. All I did was to explain why I withdrew the Vote, and did not ask the House to come to any decision on the subject. This is a matter that rather concerns my personal reputation, and I may, therefore, be allowed to state a few words in explanation. Last year the Estimates contained an item for a series of statues of British Sovereigns to be placed in various parts of the Palace of Westminster, and reference was made in that item to the Report of the Fine Arts Commission of 1845. The House was rather alarmed at agreeing to this item, for fear of being considered to adopt all the recommendations of that Commission, and of pledging itself to the erection of forty of these statues. That objection on the part of the House was felt to be valid. The Government did not wish to pledge the House to carry into effect the whole scheme of the recommendation of the Fine Arts Commission, and the Vote was withdrawn. It was considered desirable that a portion of the whole number should be selected, and I withdrew the Vote, with the view of considering whether it would be possible that a selection could be made that would be generally acceptable to the House. When the Fine Arts Commission met I called their attention to the subject, and they considered whether such a selection could be made as would be generally acceptable to the House. I never pledged myself that such a selection would be made, but only that I would consider "whether a selection could not be made that would be acceptable to the House." That pledge was redeemed. That selection was considered, and the Commission were of opinion that it was inadmissible. Therefore, I kept my pledge, which was to have a selection considered, for I never was rash enough to pledge myself that a selection would be made that should be generally acceptable to the House. Indeed, I could not have answered for the Commission to that extent. The Fine Arts Commission met. They had first to decide on what principles any selection should be made. Was it to be founded upon the personal qualities of various Sovereigns, or the greatness of the events that occurred during their reigns, or their political tendencies? The personal qualities of the Sovereigns were not, in the opinion of the Commission, the cause of their being represented in this building. The original intention of decorating this House and of encouraging artists could be appropriately attained by statues of Sovereigns, as illustrative of the history of the country. All persons of education, required to know the names of the Sovereigns and the period of their reigns, and it seemed to the Commission of Fine Arts that the right view was not to select any Sovereign who had more admirers than another, but to take them in chronological order as illustrative of the history of the country. This view was taken in the Report of the Fine Arts Commission, which lay upon the Table when this Vote was on the paper. I remember I stated that the view I took was that the Commission had made their selection according to chronological order, and not in regard to the personal qualities of the Sovereigns. The completion of the series was left open to future consideration. The House determined that a certain sum should be given under the direction of the Fine Arts Commission for the erection of statues of four British Sovereigns. The House can in future either increase the number or leave the series incomplete.

Mr. GREGORY said, he had another question to put. He would beg to ask, Whether, when the Government the other night refused to give any information as to the names of the Sovereigns selected by the Fine Arts Commission, the right hon. Gentleman had not at the time in his possession the Report of the Fine Arts Commission, which stated that they had given two of these statues to Mr. Theed and two to Mr. Thornycroft; and whether the statues are not those he had mentioned?

MR. COWPER: I had in my possession what every hon Member of this House also had in his possession—the Report of the Commission of Fine Arts, which I now hold in my hand. I thought the House understood that the money would be spent under the direction of the Commission of Fine Arts, and this Report enabled them to judge how far the Commission of Fine Arts had decided upon the statues.

MR. HADFIELD said, he wished also to ask the right hon. Gentleman a question. ["Order, order!"] It bore directly upon the question before the House. Was it intended that Cromwell should have a statue?

MR. COWPER: I can only refer the hon. Gentleman to the Report of the Fine Arts Commission. If he will read that Report, and it is not very long, he will know as much about the matter as I do.

OUDE—THE INDIAN ARTILLERY.

QUESTION.

MR. TORRENS said, he would beg to ask the Secretary of State for India, Whether any Reply has been received from the Governor General of India to the fifth paragraph of the Secretary of State's Letter of the 22nd of December, 1860, relating to certain claims on the late State of Oude; and, if not, whether he has any objection peremptorily to call the Governor General's early attention to the subject? He would also beg to ask, whether it is intended to place the Officers of Her Majesty's Indian Artillery Regiments, who are now on Staff and Civil employ, on the seconded list, as is the case with the Officers of the Royal Artillery when so employed?

SIR CHARLES WOOD said, no information had yet been received from India on the subject of the hon. Gentleman's first question. With respect to the second, he might state that the Officers of the Indian Artillery now employed on the Staff would be placed in the same position as all the other Officers of the Indian Army—that was to say, they would have the option of rejoining their corps or retaining their present employments. The Officers not on the Staff would be placed the same as other Officers.

THE DUKE OF MODENA—PERSONAL EXPLANATION.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have to ask the favour of the House to grant me their attention for a few moments, while I make an explanation of a statement contained in a speech I delivered some time ago, not so much on my own account as because it concerns the feelings and character of a person of eminent station, and who also has been unfortunate—I mean the late Duke of Modena, now expelled from his dominions. There was a debate in the beginning of the month of March, in which much was stated on the subject of the conduct of the Italian Governments; and it has only been within a few days—the last ten days, I think—that I received a representation from the Marquess of Normanby to the effect that he was prepared to contradict, and wished me to withdraw a certain charge—one of several—and which he regarded as the principal that had been made by me against the administration of the Duke of Modena. Sir, the substance of that charge as I intended to give it, was this—that while the Duke of Modena had refused the benefit of *ex post facto* mitigations of the criminal law to persons who might have profited by them, he had applied *ex post facto* aggravations of the penalties awarded by the criminal law to those who had incurred them. The case I quoted in particular was this—that whereas the law of Modena forbade the application of capital punishment to persons under twenty years of age charged with homicide, the Duke of Modena issued an edict altering that law in the case of a certain person named Granaj. Now, in what I said with regard to Granaj I did not intend to convey to the House the meaning that that person was executed. I have no knowledge on the subject. What I intended to convey was that he was brought within the scope of the law awarding capital punishment, but I had no knowledge on the question whether he was executed or not. What I wish to state to the House at present—and that is my explanation—is that I believe that person was not executed, for so far as the evidence in my possession goes, what appears to be the case is that this young person, for so he was described, was sentenced to the galleys for life. I should be extremely sorry if I had said a word that could be construed to mean that the young man was actually executed, because I entirely admit that the most rigorous accuracy ought to be observed in matters of this kind, and in the statement I then made I did no more than quote from evidence in published documents which were accessible to every

Member of this House. Sir, the Marquess of Normanby has also expressed a desire that I would withdraw what I regard as the principal part of the charges—namely, that capital punishment was made applicable by the Duke of Modena to young persons charged with homicide through the means of an *ex post facto* law. I am sorry it is not in my power to withdraw that charge, for although I certainly think that I put on the particular document that I quoted a construction stronger than it necessarily or naturally bore, yet the evidence in support of that charge is abundant, and it is to be found in two pages of the document I quoted. In the month of November, 1857, the Duke of Modena issued a decree establishing in his dominions or capital, I forget which, a state of siege, which, as hon. Gentlemen know, answers the same purpose.

Mr. DISRAELI: I rise to order with great regret. I understood the right hon. Gentleman rose to make some statement with respect to some previous expression in a speech which he made in this House. There is no question before the House. The right hon. Gentleman is now getting into matters that probably may lead to controversy, and it would be much more convenient for him to take advantage of this opportunity of giving notice for to-morrow, and then he can enter into any statement he likes.

The CHANCELLOR of the EXCHEQUER: I have taken this course after consulting authority. I am not about to enter into any argument whatever, but I am simply stating facts which are explanatory as to what has fallen from me on a previous occasion.

Mr. DISRAELI: The explanation of the right hon. Gentleman referred to certain documents which he said were in everybody's possession. They are not in my possession, and I understand that the documents are inaccessible, therefore, it is inconvenient for the right hon. Gentleman to found an argumentative statement on documents that are not in our possession. There were many other facts to which we might refer, as, for instance, the right hon. Gentleman referred to an edict, and that might lead to considerable controversy. I can assure the right hon. Gentleman that it is with pain I interpose. At the same time I think the House will feel that when explanations are made it is desirable that the question should be fairly entered into.

The Chancellor of the Exchequer

Mr. SPEAKER said, that when the right hon. Gentleman the Chancellor of the Exchequer spoke to him on the subject, he had stated that if the object was simply a matter of personal explanation the course which he had pursued was the most convenient. If, however, the House objected that it might lead to discussion, it would be more convenient to defer the explanation till the next day.

The CHANCELLOR of the EXCHEQUER said, that it had occurred to him that it would be highly irregular to raise a discussion on a speech of his own on the Motion for going into Committee of Supply. He bowed, of course, to the authority of the Speaker, though he was afraid that to adopt the suggestion of the right hon. Member for Bucks would tend considerably to widen the field. He would, however, with the permission of the House, complete the statement on going into Committee of Supply the next day.

BANKRUPTCY AND INSOLVENCY BILL.

LORDS' AMENDMENTS.

Order for Consideration read.

Amendment in page 1, line 7, to leave out "Judges and"

The ATTORNEY GENERAL said, the first Amendment, upon which he should ask the House to offer an opinion, was that which would have the effect of striking out from the Bill the clauses relating to the Chief Judge; and, whether for good or for evil, materially affecting the character and scope of the measure. He proposed to take the sense of the House on this important point, at the very first part of the Bill in reference to which it was possible to raise a debate upon it. The Bill under discussion had been introduced into the House by his predecessor in office, who had, since, received at the hands of his Sovereign the highest distinction of his profession, and who was then discharging the exalted functions of his new position to the great advantage and satisfaction of the country. It was a measure differing essentially from that which had been brought forward in the previous Session, which had for its end the consolidation of the whole law relating to Bankruptcy and Insolvency; whereas the Bill of the present Session was simply directed to the object of so amending the existing law, as to make it more conformable to the wishes and wants of the community. Having passed through the House of Commons with singular unanimity—only one or two divisions, he believed, having been taken upon its provisions—it was introduced into the Upper House; and he was confident there was scarcely a lawyer, or a representative of the views of the mercantile world, who did not believe that the Bill as it then stood effected great amendments in our bankrupt law; while it would, if passed in that shape, have given, he felt assured, the utmost satisfaction to the great majority of the public. The measure, however, had been materially altered in its passage through the House of Lords, and it was with the Amendments there introduced into it that he was about to deal. Those Amendments were several; but it was to two of them, that which related to the office of a Chief Judge, and that which referred to the creditors' assignees, that he desired in a special manner to invite attention. To the former he would for the present confine his observations. Hon. Members were aware that clauses providing for the appointment of a Chief Judge in Bankruptcy, equal in station to his brethren in Westminster Hall, defining his duties, and settling the amount of his salary, were embodied in the Bill as it went up to the other House of Parliament. Those clauses, however, that House had thought proper to strike out; on the ground, he believed, that if passed into a law they would saddle the country—for the salary of the new Judge was to be paid out of the Consolidated Fund—with an expensive functionary, for whom no duties adequate to his station and salary would remain to be discharged. Now, his own opinion was that the Bill, deprived of those clauses would be—he would not say absolutely useless, but devoid of a machinery which was essential to its satisfactory working; while he was strongly of opinion that there was no good foundation for the assumption, that the new Judge would not find, in the performance of the duties of his office, as much work as the most competent and able man could satisfactorily discharge. In dealing with the point in the House of Lords, reference had been made to the appellate jurisdiction which the Bill proposed to confer on the Chief Judge in Bankruptcy; and it was said, in support of the views of those who objected to the creation of a Chief Judge, that the Lords Justices, who constituted at present the Court of Appeal in Bankruptcy, had been occupied, during the whole of the last year, only fifteen days in disposing of the business which came before them in that capacity, while the number of appeals was only forty-five. From those facts the inference was drawn that, under the present Bill, no larger amount of appellate business would have to be dealt with, and that the Chief Judge would, therefore, have very little to do in that respect. But nothing could be more fallacious than such a view of the case. It was very easy to keep down the number of appeals. If they made the appellate tribunal sufficiently costly, and if they interposed a sufficient amount of delay in the hearing of cases on appeal, they might keep the number of appeals within very moderate limits. He thought, however, that the House would not think of keeping down the number of appeals by having recourse either to costliness or to delay. There could be no doubt that the present Court of Appeal in Bankruptcy was both costly and dilatory. Somewhere about £60 was either the smallest or the average expense, which must be incurred in carrying an appeal before the Lords Justices; and, considering that the Lords Justices, although appellate Judges in Bankruptcy, had very extensive and important judicial functions of another class to discharge, it could not be expected that they would at once and summarily address themselves to appeals in bankruptcy, to the neglect of their more ordinary business. It was to be expected, therefore, that time, more or less considerable, must elapse before an appeal could be brought on for hearing; and he was informed by those who were practically conversant with the matter that, as an ordinary occurrence, months elapsed between the lodging of the complaint against the decision appealed against, and the final adjudication by the Lords Justices. But a great part of the business of the Chief Judge would consist of appeals: and the whole of his business would be bankruptcy business. There would be nothing, as in the case of the present appellate court, to delay the hearing of appeals: and he had no hesitation in saying that a slight glance at the Bill would satisfy any one that, in future, appeals in bankruptcy would be not only without delay, but also without unnecessary expense. There was another important observation on this point. It would be admitted that the number of appeals must bear some proportion to the gross number of cases brought before the various tribunals from which the appeal lay; and he thought he could satisfy the

House that the general business in bankruptcy, out of which the appeals must proceed, would in future be largely increased. In the first place, a portion of the Bill with which no fault was found in the other House was directed to putting an end to the Court for the Relief of Insolvent Debtors, by abolishing the distinction between trader and non-trader. The effect of that would be that the business affecting insolvent debtors, which had heretofore been transacted by the Insolvency Court, would be transferred to the Court of Bankruptcy, more than doubling the ordinary number of applications to that Court. In 1860 about 2,820 petitions were filed in the Insolvency Court by imprisoned debtors; and of these 820 were within the exclusive jurisdiction of the court in London, which extended from Norfolk on the one side to Hampshire on the other. These 820 cases would now fall within the jurisdiction of the court of the metropolitan district, over which the Chief Judge was to have a general control. Of the prisoners who appeared in the same year, 833 appeared in the London Court, and 1,883 in the different courts throughout the country; and of the estates which were realized, 129 were realized in the London Court and 119 in the country. The proceeds whereon dividends were declared amounted, in the London Court, to £20,247, and in the County Courts in the country to £15,790. The amount of scheduled debts in the London district was £365,760, and in the County Courts it was £169,845. The debts satisfied by payment or otherwise amounted to £24,431 in the London Court, and to £12,876 in the provinces. These figures made it manifest that the destruction of the Insolvency Court, and the transfer of its jurisdiction to the Court of Bankruptcy, would of necessity lead to a very considerable increase in the business of the latter, the number of insolvencies being very much larger in the course of a year than the number of bankruptcies. In 1860 there were cases of bankruptcy and petitions for private arrangement to the number of 1,336; but the cases of insolvency were more than double that number. The addition to the business of the Court being thus considerable, the number of appeals might be expected very largely to increase. In addition to the business that would arise from the destruction of the Court for the Relief of Insolvent Debtors, a variety of business was provided for the Chief Judge by the Bill, which would find him tolerably sufficient employment. For instance, there was the duty assigned to him of transacting business at chambers, under the 59th section. He had no doubt the result would be a most useful employment of a considerable portion of the Chief Judge's time. Every lawyer was aware how very important was the business transacted by the Judges at chambers. If the Judge were created, it would be found that, apart from his appellate jurisdiction and his business in Court, there would be a great amount of business that might be advantageously disposed of by him at Chambers, and which could not in any other manner be so conveniently despatched; and there was provided by this Bill the means of having recourse to the Chief Judge for his advice, assistance, and control, inexpensive in the last degree to the suitor and the insolvent estate. Clause 61 enabled any party to take the opinion of the Judge on any matter that might arise in the course of the proceedings, or on the result of the proceedings. It would be a great advantage conferred both on debtors and creditors, on the occurrence of any legal difficulty or impediment, to have the opportunity of prompt recourse to a competent tribunal, and to obtain the benefit of a deliberate adjudication from a Judge of distinguished position and character. This, therefore, would be another source of a very considerable addition to the ordinary business of a Chief Judge in Bankruptcy. Again, under Clause 67, the Chief Judge might direct any question of fact to be tried before a special or common jury, and he was to preside over their deliberations. Although, in conducting an estate of any considerable amount through bankruptcy, it was found that questions of legal nicety did from time to time arise, it was equally well known that very often the most important questions of fact also arose, and at present the mode of disposing of them was highly inconvenient. It could not be doubted that it would be of great advantage, with reference to questions of fact, to have an opportunity afforded, at an early stage in the proceedings in bankruptcy, for a competent Judge to summon a jury and preside over their deliberations, and thus be the means at once and for ever, to the satisfaction of all parties, of disposing of such questions. But that was not all. Still further demands would be made on the time of the Chief Judge, for the purpose of determining questions that might arise on deeds of arrangement.

The number of deeds of arrangement being already exceedingly large, it might be expected that they would still continue to be considerable, and many disputed questions of law or fact, arising out of their doubtful construction or confused language, would necessarily have to be determined. As against the 1,000 bankruptcies in the course of a year no less than 14,900 deeds of arrangement between debtor and creditor were found to be executed. A formidable multiplication of business might, therefore, be anticipated from that source. The Bill required all such deeds of arrangement to be registered, so as to be brought, as it were, under the notice of the Court, whose opinion and direction in respect to them the parties interested would have full opportunities of obtaining. It might be said, indeed, that the Lords had left these provisions practically untouched; but it should be remembered that they had struck out that part of the measure which created that tribunal and that Judge by whom, and by whom alone, these very extensive and novel powers could be beneficially exercised. Nor was that all. There were yet higher functions and duties which it was proposed the chief Judge should perform. Of course it was impossible to make men moral or honest by Act of Parliament. All that could be done was to express disapprobation of certain acts, as being unfair or immoral, or at all events illegal, and then to attach to those acts adequate and appropriate punishments. This course had been followed in the original framing of the Bill; and by it it had been sought to introduce important changes into what he might call the code of commercial morality. In England various acts of delinquency were made misdemeanours and rendered punishable as such, while other acts, less grave indeed, but still highly culpable, would be visited with punishments of considerable severity. It had been originally proposed by the measure, and assented to by the House, that that new and important criminal jurisdiction should be to a great extent vested in the Chief Judge. It was well known that a very large portion of the contested business in bankruptcy arose in connection with the applications for orders of discharge; and a very considerable amount of the cases which found their way, under the existing state of things, into the present Court of Appeal turned upon questions of that description. Having regard, then, to the enlarged and novel jurisdiction which this Bill would create, having regard also to the success, so much to be desired, of the experiment it contemplated for the improvement of the commercial morality of the country, it was of the last importance that the Judge who would be called upon prominently to wield these extensive and stringent powers should be a Judge of the highest rank and competency. His authority was one which, unhappily, they must expect would be frequently invoked; and that authority, without intending any reproach whatever to the present Commissioners in Bankruptcy—could not be safely confided, except to an officer of the first judicial station and attainments. It was of great importance to secure uniformity of decision, and this would be accomplished by the appointment of a Chief Judge. He believed that, as far as might be among lawyers, there was unanimity among the members of his own profession on the clause providing that there should be a Chief Judge; and, without any disrespect to those hon. Members of the House who did not belong to the legal profession, he must be excused for saying that the subject was better understood by those who were lawyers than by hon. Gentlemen whose habits and associations were commercial. At the same time there appeared to be a very general concurrence on the part of the mercantile community in favour of that provision of the Bill being restored. A petition on the subject had been, within the previous few days, presented to that House by one of the hon. Members of the City of London. The signatures to that petition were great in number, and included the names of bankers and merchants of the highest eminence in this, the commercial metropolis of the world. The petition had 200 signatures attached to it, and of these twenty-six were the signatures of banking firms in the Metropolis; the remaining 174 were those of merchants whose names were a guarantee that they were fully competent to understand the provisions of the Bill. The petition stated that since the Bill had left that House several of the most valuable portions of it had been removed. It then went on to pray that provision might be made for several amendments in the law; and it especially prayed for the appointment of the Chief Judge, stating—

"At present the law is administered by five different Commissioners, sitting in the same building, and frequently giving most conflicting

> decisions, thereby involving great uncertainty, while the only appellate jurisdiction,—namely, that of the Lords Justices, was one of a most expensive character."

He believed that there was no good foundation for the presumption on which the clause for the appointment of the Chief Judge had been struck out in the other House. The argument mainly relied on was that there would be but scant employment for a Chief Judge; but, as under this Bill every County Court would be a Court of Bankruptcy, and as there were about sixty County Court Judges who heard cases at some 400 or 500 places, if there was only one appeal in each year from each of the County Courts, the Chief Judge would not be left in want of occupation; were he to hear appeals only. Believing, on the whole, that the Bill would not work satisfactorily if there was not a Chief Judge, he ventured to move that the House disagree to the Amendment of the Lords relative to a Chief Judge in Bankruptcy.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."

MR. BOVILL said, that, if there was that great unanimity of the lawyers and of the mercantile community in favour of the appointment of a Chief Judge which the Attorney General seemed to suppose, the hon. and learned Gentleman would have no difficulty in procuring the restoration of the clause. He could, however, assure his hon. and learned Friend that there were lawyers both in and out of that House of some distinction who entertained an opinion on the subject exactly contrary to that which he had just expressed. There were lawyers of great eminence in the country who had pronounced an all but unanimous opinion in condemnation of the clause which his hon. and learned Friend so strongly supported, for when this question was under discussion in the Select Committee of the House of Lords there were present:—the late Lord Chancellor, Lord Cranworth, Lord St. Leonards, Lord Wensleydale, Lord Chelmsford, and Lord Kingsdown — no mean authorities on a question of judicial appointments, no mean exponents of the opinion of the most eminent lawyers of the day—and, if he was rightly informed, the omission of the clause for the Chief Judge was proposed by Lord Cranworth, and agreed to by the other noble and learned Lords, the late Lord Chancellor being the only dissentient. That was the unanimity that prevailed among those who had no interest except in the due administration of justice. His hon. and learned Friend was not more fortunate in regard to the opinions of the mercantile community. On the Committee to which he had referred there was one name that stood high as an authority among the commercial classes—he meant Lord Overstone—and the rejection of the clause appointing a Chief Judge met with the approbation of Lord Overstone. Indeed, among all the Members of that Committee, including noble and learned Lords of all sides in politics, there was an unanimity of opinion for the rejection of this clause, with the exception of the Lord Chancellor. But his hon. and learned Friend referred to a memorial which had been addressed to the House by a body of merchants in the City of London, who objected to the present system, and preferred a Chief Judge because of the expense attending the present system of appeals. But the expense of the appeals had no reference to the question at issue, for nothing would be more easy than to transfer the simple and inexpensive mode of appeal provided in the Bill to the present system of appeals to the Lords Justices. These petitioners had evidently been misled on the supposed difference of the expense. Other opinions altogether in favour of striking out the Chief Judge clause had been expressed by the mercantile community. The Liverpool Chamber of Commerce had carefully considered the matter, and he would refer the House to the petition which his hon. Friend the Member for Liverpool had presented to-night from them. They objected to certain alterations that had been made by the Lords, but they did not object to the striking out of the clause for appointing a Chief Judge. There was also an important petition from Manchester, signed by forty-eight of the principal firms in that city. They not only did not object, but they stated their opinion that the appointment of a Chief Judge would be an useless expenditure of the public money, as the Lords Justices disposed of the appeals in a perfectly satisfactory manner, and they had ample time at their disposal for the purpose. There was also a standing Committee representing various chambers of commerce—he would not read all the names, but the list comprised those of Belfast, Birmingham, Bristol, Glasgow, Leeds, Hull, and Sheffield, besides the comparatively minor towns of Wolverhampton, Coventry, and other places; they stated certain objections to the Lords' Amendments, but they did not object to the rejection of the Chief Judge. He had listened with great attention to what he might call the laboured exposition which his hon. and learned Friend had given of the duties which the Chief Judge would have to perform. But his hon. and learned Friend forgot that there was another important body beside the Judge. There were the Commissioners in Bankruptcy, and when his hon. and learned Friend argued that the House of Lords had struck out the clause relative to the Judge, and that there was now no one able to exercise jurisdiction in regard to these deeds of arrangement, he was greatly mistaken. The clause set forth that "the Court" might do such and such things. That Court existed and exercised its functions by the Commissioners of the Court. What was the origin of the appointment of this Judge? In the Session of 1860 a Bankruptcy Bill was introduced as a measure of consolidation. On that occasion it was proposed to appoint a Judge, but to abolish the Commissioners; while the objection to the present measure was that it kept both the Judge and the Commissioners to perform their functions at the double expense to the country. All the arguments used by his hon. and learned Friend as to the duties of the Judge and the extent of his business were addressed to the Legislature in 1831, when Lord Brougham proposed to pass his great Bill appointing permanent Commissioners and a superior Court of Bankruptcy, to consist of four Judges. It was then asserted that it was necessary to have a Court so constituted as to command respect. It was said then, as it was said now, that the business was so large that it was necessary to have a new court. There were, then, to be Commissioners and a superior Court of appeal, consisting, not as was now proposed, of a single Judge, but of a regular court of four Judges, in order that their decisions might command the respect of the country. The experiment was tried, and the four Judges were appointed; but in the course of a few years several of the Judges were pensioned off, a single Judge was found sufficient to do the whole work, and soon afterwards the single Judge was abolished also. The Commissioners were found to perform their duties so satisfactorily—the appeals from their judgments were so few—that from sheer want of business the Court was actually and entirely abolished. But if a Court of Appeal was necessary why need they have recourse to a new court? The Legislature had already selected for its Court of Appeal one of the best courts that could be provided—a court that was presided over by two of the ablest lawyers in the country—who had ample time, opportunity, and ability to decide all cases that came before them—he referred to the Lords Justices, who were now constituted the Court of Appeal in Bankruptcy. Was there any one bold enough to say that that was not a satisfactory Court of Appeal? Had there been a single complaint as to the mode in which the appeal business had been administered by the Lords Justices, or had they delayed the decision in any cases that had come before them? Why, the appeal business had given them fifteen days' occupation out of the whole year, and the number of appeals had been forty-two. Did that show any ground why a new Judge should be constituted? Did his hon. and learned Friend know the position of some of the Courts of Chancery? Did he know that some of the Vice-Chancellors and the Master of the Rolls had sometimes to close their Courts for want of business? Did he know that the Vice-Chancellors had the power to act as Judges of the Court if necessary? The fact was that there was abundance of judicial power to deal with these cases. If they wanted a new Judge, let them give an additional Judge to those Common Law Courts which were so overwhelmed with arrears that two Courts would scarcely be sufficient to perform the duties now thrown upon one. The Government were now proposing to put the country to the expense of £5,000 for the Judge, together with the salary of the registrar of the Judge, in order to perform those duties which up to the present moment had been amply and satisfactorily performed by the tribunal of the Lords Justices. But, putting the Lords Justices aside for the moment, he would ask this question—what opinion would be entertained throughout the country of the decision of any gentleman who was raised from the ranks of the Bar, if that decision were given in opposition to the judgment of such men as Mr. Commissioner Holroyd, for instance, who had acted for the last thirty years in his capacity of Commissioner in Bankruptcy, and who had made the study of that branch of the profession the business of his life? Would such an opinion command the respect of the country?

Then his hon. and learned Friend went very laboriously through a vast mass of duties which he said the Judge would have to perform. He would not attempt to follow him through them all. He would content himself with one or two instances. He would remind the House that the Bill as it went to the House of Lords not only provided for an appeal from the Commissioners to this new Judge, but further, for an appeal from the Judge to the Lords Justices. So that if he differed both from the Commissioners and from the Lords Justices he would have no power of control, for the Lords Justices would overrule his decision. His appointment would be useless at the best, for if he agreed in opinion with the Commissioners his judgment would add no weight; if he disagreed, and his judgment was appealed against—as in such a case it would surely be—his interposition would only add to the expense and delay. The scheme of the present Bill was founded on the Bill of 1860, and transferred to gentlemen who held the office of registrars the greater part of the business in bankruptcy now transacted by the Commissioners, and he should like to know what the Commissioners would have to do. The 59th Clause of the original Bill provided that the Chief Judge and Commissioners should respectively sit at chambers, and what the House of Lords said was that if the Commissioners were fit for that duty let them perform it without the Chief Judge. His learned Friend had spoken of the probable increase in the number of appeals, and referred to the insolvency jurisdiction and to the number of cases likely to arise from deeds of arrangement. But who could say beforehand that there would be this increased number of appeals? And with respect to the insolvency cases, in a great many instances the assets were very small and insignificant, and the House might depend on it that, however numerous the bankruptcies and insolvencies might be, there would not be found, unless the estates were worth fighting for, any great number of appeals. The House was called on to sanction a new Judge with £5,000 a year, on the mere allegation that there might be an increase of appeals, though in the Divorce Court, where the necessity for further judicial power had been actually felt, the Government did not propose to supply that want. He thought that, in respect to the Bankruptcy Court, it would be ample time to appoint a new Judge when the necessity for one was by experience rendered manifest. If this increased number of appeals should arise the Lords Justices would be found able to go through them, and, if necessary, they could have the assistance of one or two of the Vice-Chancellors or of the Master of the Rolls. The next matter touched on by his learned Friend had reference to the trials by jury; but it should be borne in mind that the Lords Justices, and the Commissioners also, had power to try by jury, just as much as the Judge; and that many important questions constantly arose out of bankruptcy cases, which the Judge in bankruptcy would have no power to try. Such, for instance, were the cases in which persons, being neither creditors or debtors, and over whom the Bankruptcy Court had no jurisdiction, complained of the seizure of their property, and brought their actions in the ordinary Courts. The advantages of uniformity had been much dwelt on, but they might have both uniformity of decision and sound judgment from the Lords Justices. He contended that the Commissioners in Bankruptcy formed a perfectly fit tribunal for the cases which would come before the Court. Not a word of complaint had been made against them personally, although it had been said that they had no sufficient occupation, and that their duties were for the most part mere routine. However, when any important case requiring decision came on, they were there to hear it, and they had discharged their duties with satisfaction to everybody. It was now proposed to substitute a Court of Appeal, which would be worse than that now existing, composed of the Lords Justices. Moreover, the cost of appealing would be the same, whether the Court consisted of two Judges or of one. He, therefore, submitted to the House that there was no sufficient reason for restoring this clause. The decision of the Lords had been all but unanimous, five ex-Chancellors being of opinion that the appointment of a new Judge was unnecessary. Their opinion was confirmed by the petitions from Manchester and Liverpool, and he trusted that the House would agree to the Lords' Amendments.

MR. COLLIER said, he did not think that the House would be much influenced in its decision by the opinion of lawyers on either side. The question was whether reasons had been given to induce the House to alter its unanimous opinion on this subject, and he certainly thought, after careful consideration, that no sufficient reasons had been given. The changes proposed in the law could not be carried satisfactorily into operation unless the Court of Bankruptcy were presided over by a superior Judge. It was absolutely necessary that the Court should have a head, or it would break down under the new labours imposed upon it. Even at present the Court was not remarkable for uniformity of decision, or for the order which prevailed there; and under the new jurisdiction it would become confusion worse confounded, unless a Chief Judge were appointed. Parliament was about to enact changes in the law of bankruptcy as important and extensive as those effected in the law of probate and divorce. There those changes had been eminently successful, mainly because they had been carried into effect by a Judge of the first class, who, by the exercise of great judicial ability and great patience and labour, had established a new system harmonious in itself and in harmony with the rest of our jurisprudence. If, however, the administration of the new law of divorce had been intrusted to a set of inferior officials, accustomed only to the old law, and whose decisions differed from each other, there would have been confusion instead of harmony, and instead of public satisfaction murmurs of discontent. The application of the bankrupt law to non-traders might, it was thought, be harsh and injurious, and an attempt had been made to guard against that danger; but the safeguards which the House could invent were comparatively valueless without the most important of all safeguards—the administration of the law by a Judge of the highest ability and learning. He doubted whether, if the House had believed that the law would be administered by Commissioners, they would ever have abolished the distinction between traders and non-traders. He had no wish to speak in disparagement of the Commissioners, but neither their position at the Bar before appointment, nor the mode in which they had transacted their business since, marked them in the estimation of the profession or of the public as first-rate Judges. Their decisions had been notoriously conflicting, and those decisions had never carried any weight or authority in Westminster Hall. After the passing of the Bill most important questions would speedily arise upon the interpretation of the new law, and it was essential that they should be so decided as to prevent future litigation. It was said that the Commissioners had long experience of the old system; but he doubted whether this would be the best possible qualification in the working of the new. They would have to learn and to unlearn much, and the latter was a very difficult process. He was far from saying that they would not be useful under the guidance and superintendence of a first-rate Judge, but it would not be prudent or safe to leave it to them to carry out the great and important changes now effected. Again, it was desirable to appoint a Judge now rather than when confusion should have arisen; to use a sporting figure, there ought to be a first-rate whip to start the new team. With regard to the trials by jury which had been proposed, the Commissioners had never charged a jury in their lives, and some, possibly, had never seen one. The House of Lords, therefore, feeling that it would be improper to confide these functions to the Commissioners, had struck out the trial by jury altogether. It was true that the Lords Justices were empowered to call a jury; but would that provision work? An attempt had lately been made to transplant trial by jury into the Court of Chancery, but the exotic did not flourish there; it withered and died; and he had heard that the last jury-box had been removed from the last Vice Chancellor's Court on the motion of a learned friend of his that it was a nuisance, and ought to be taken away. Much could not be hoped for, then, from trial by jury before the Lords Justices. As to the new criminal jurisdiction created in bankruptcy, and the power of obtaining the opinion of the Court upon the statement of a special case, the Commissioners could not be properly instructed with such functions. Commissioner A might give one opinion on a special case, Commissioner B another; and, if there was a *tertium quid*, Commissioner C might give a third. The uniformity of decision which would be secured by a first-rate Judge would here be wholly wanting. Then, again, an important jurisdiction would arise—that of determining all disputes under deeds of arrangement. If all these functions were intrusted to the Commissioners, the change in the law, instead of being a success, would turn out a disastrous failure. It had been said, to his surprise, in "another place" that a new Judge would not have enough to do, and that he would only have appeals to occupy him for fifteen days in the year, the appeals before the Lords Justices only occupying that time; but his hon. and learned Friend the Attorney General had shown conclusively that the number of appeals would double and quadruple under the new system. Increased efficiency in the tribunal would create increased business; and, for his own part, he should not be surprised if the number of appeals increased tenfold. But the new Judge would not only hear appeals; he would have an extensive original jurisdiction. In the first place, he would have to hear all the opposed orders for the discharge of bankrupts within the London district. That business alone would occupy him a great portion of the year, and in such cases it would be very desirable to have uniform decisions. Besides that trials by jury would give an original jurisdiction, which it was most important to encourage. Every tribunal should have the power to deal complete justice between the suitors. It was not right to hand suitors over from one jurisdiction to another, and the Court of Bankruptcy ought itself to determine, as far as it might be, every disputed question which arose in the cases before it. Then there was the criminal jurisdiction, and the opinions upon special cases, besides which the Chief Judge would also have to sit in chambers for the purpose of superintending and controlling the administration of the law. It appeared to him that, in order to secure the beneficial object of the Bill, it was necessary to have a new Judge of the first class, whose time would be fully occupied by the business that would come before him as any Judge in Westminster Hall. Nay, it was probable that in a year or two he would require assistance. He hoped that House would adhere to its original opinion, and if they thought it was right to vote £5,000 a year for the administration of public justice the House of Lords, notwithstanding its new-born zeal to protect the national finances, would not venture to resist an improvement in the administration of the law, which, however unimportant to themselves, materially concerned the great middle class of the country.

Mr. MALINS said, he had not, like some of his hon. Friends, changed his opinion upon this subject, and, therefore, thought that a Chief Judge ought to be appointed, and that without such an officer the Bill would be worse than useless. The bankruptcy laws had for a long time worked badly, and there had been a great outcry against the system. In 1856 he called attention to the evils, and he then suggested that the only way by which they could be removed would be to entirely abolish the Commissioners, and to begin with a new system, and appoint a Chief Judge in bankruptcy, with the rank and emoluments of a Judge in Westminster Hall. In the Bill which his noble and learned Friend, the Lord Chancellor, introduced last year, that suggestion was carried out; and it was proposed to abolish the office of the Commissioners, giving them a retiring allowance of full pay, and appointing a Chief Judge. That plan would have cost £10,000 a year for the Commissioners and £5,000 for the Judge. On that occasion no opposition was raised to the appointment of the Chief Judge by the hon. and learned Member for Guildford (Mr. Bovill), or the hon. and learned Member for Belfast (Sir Hugh Cairns). The clauses passed the House without a dissentient voice. How was it, then, there had been such a sudden change in the opinions of the hon. and learned Member for Guildford and the hon. and learned Member for Belfast? The hon. and learned Member for Suffolk (Sir FitzRoy Kelly) and himself adhered to their opinions. They were not made of such changeable materials. Nor could the unanimity of opinion of five noble and learned Lords, who had for years withdrawn from the practice of their profession, induce him to depart from conclusions which were founded on his daily experience. He had the utmost respect for the learned Commissioners by whom the law, as it at present stood, was administered, but then he quite concurred with those who said that their decisions did not constitute an authoritative exposition of our commercial law, and it would, he contended, be impossible to secure the services of a person of the requisite judicial weight if only a small salary were given. The same course ought to be adopted with regard to the Court of Bankruptcy that was adopted with regard to the Court of Chancery in 1852. Before that time the Court of Chancery was a disgrace to any civilized community. In 1852 the entire system was changed, and now the Court of Chancery was a credit to the country. He repeated that unless the Court was removed to Westminster Hall, to the other Courts of law, and placed under a Chief Judge, instead of the existing five Commissioners, the Bill would be a failure. He would rather see the Bill withdrawn altogether than assent to an arrangement by which they should continue the Commissioners for the present, and consider hereafter the expediency of appointing a Chief Judge. In two successive years the Bill had passed through the House with the clause appointing a Chief Judge without any opposition, and he was at a loss to understand why it should be opposed by any hon. Member upon that occasion. It was supported, moreover, not only by the merchants and bankers of the city of London, but also by the great mass of mercantile authority throughout the country. The Chief Judge would have plenty to do. As the Bill abolished the Insolvency Court, and transferred its jurisdiction to the Court of Bankruptcy, there would of necessity be many more appeals than heretofore, and from that source alone the Chief Judge would get abundance of employment. It was absurd to suggest that the Vice Chancellors could assist the Lords Justices in hearing appeals in bankruptcy. The Courts of the Vice Chancellors were overwhelmed with business, and neither they nor the Master of the Rolls could undertake any other duties. He thought that the Commissioners ought to have been allowed to retire; but their retention would not interfere with the duties assigned to the Chief Judge, and the Bill provided for the reduction of their number from five to three. For these reasons, and because he believed the Bill would not work without a Chief Judge, he hoped the House would disagree with the Lords' Amendments.

MR. ROLT said, he wished to state, very briefly, the reasons which induced him to think that it would be wise in the House to agree to the Lords' Amendments. Nothing could be more unwise than to tamper year after year with the constitution of the tribunals of the country, and to make changes which those who proposed them represented as not final, which were introduced for a temporary purpose, which were adopted with a view to expediency, and which did not carry into effect the views of their authors. Last Session the Bankruptcy Bill was introduced with a distinct statement by the hon. and learned Attorney General that his object was to place the ordinary and original jurisdiction in bankruptcy, as far as the metropolitan district was concerned, in the hands of a Chief Judge, putting an end to the Commissioners. To that measure there could be no reasonable objection, but to retain the original jurisdiction in bankruptcy with the Commissioners, and at the same time to appoint a Chief Judge was a proposal to which he, for one, could not assent. It was only necessary to refer to the changes which had been made in the constitution of the Court of Bankruptcy to see that it was now proposed to go back to a system which had been already tried and had failed, and to be satisfied that we shall have to tamper again with the constitution of the Court in the course of a few years. What were the changes which had been made during recent years in the constitution of the Court? At the beginning of the reign of William IV. the Court of Bankruptcy was instituted with one chief Judge, three other Judges, six Commissioners in London, and a certain number of Commissioners throughout the country. By the 10th and 11th of the Queen the Court of Review was abolished, and the powers were to be exercised by one of the Vice Chancellors. After that, a Consolidation Act was passed, and the London Commissioners were reduced to four. By the 14th and 15th of the Queen the jurisdiction of the Vice Chancellor in bankruptcy was transfered to the Lords Justices of Appeal. All these various changes had taken place in the constitution of one tribunal, and they were again going back to that system which had been the first in the series of changes. The whole had been a tentative proceeding, and hitherto had not succeeded. The system of a single Judge, not having Commissioners with him, had not yet been tried, and had much to recommend it. He entirely agreed with many of the arguments which had been urged in its favour. The system of bankruptcy might be consolidated, having regard to what was done in the Court of Probate, with great advantage. Instead of having Commissioners all over the country the formal business might be done by registrars with a Chief Judge in London, with whom they might communicate, and the experiment of such a system might judiciously be first tried in the London district. This was the Government scheme of last year. But if they went on tampering with the constitution of the Court, by merely going now backwards and now forwards, there could be no hope of real progress; they never would get at a trial of that system which it was evidently the desire of the Government to promote. It would be far better and wiser to continue the present system a little longer, in order to see what new business would be introduced by the new measure. The extent of that new business, he believed, had been greatly exaggerated by the hon. and learned Member for Plymouth (Mr. Collier). The change was comparatively small and unimportant, as far as the duties of the heads of the Court were concerned. It would not so add to the duties of the Court that it would be impossible it should continue for a reasonable time to see what machinery might be wanted to carry into execution the changes in the law now effected. Nothing could be more easy or natural. There was a tribunal already consisting of Commissioners and a Court of Appeal. As far as the Court of Appeal was concerned every one admitted that it was a competent Court, and since the Government though approving of the abolition of Commissioners were not willing now to press such a measure, the obvious course was to continue for the present the existing judicial machinery. It was a mere hallucination on the part of his hon. and learned Friend the Attorney General to speak as he did of the delays before the Lords Justices. If parties were not ready with their appeals delay must of course intervene; but when parties were ready their cases might be always put on the Bankrupt paper for hearing and be heard within a week. The cases were always put in the paper and disposed of on the second day appointed for hearing, if not on the first. But, said his hon. and learned Friend the Attorney General, here was another dreadful abuse, an appeal cost £60, and, therefore, they must have a Chief Judge. There was no logical connection whatever between the two, nor did his hon. and learned Friend say for how much less than £60 he supposed important questions could be brought before an appellate Court for decision. The question was reduced simply to this—Should they when introducing changes in the law of bankruptcy be governed in deciding on the requisite judicial machinery, by the extent to which these changes would introduce new work? Let them, first of all, see how the new work could be disposed of under the existing machinery, and, having ascertained the extent of the new duties, then let them come forward with a measure to constitute the Court once for all, if a reconstitution shall be necessary. But do not let them tamper with the Court on the present occasion, admitting as they must that the alterations is not to be final. Constant appeals to what he or any other Member had said or thought in regard to that measure were wholly beside the question. He had, however, always been disposed to support the original view of the Government for a Chief Judge without Commissioners as an experiment in the London district, and he still believed that when the present measure had been fairly tried, the time would arrive for having a Chief Judge, and for remodelling the constitution of the Commissioners and Registrars.

MR. CRAWFORD said, the House had hitherto had very much of a legal discussion on this question, and he trusted it would now give him, as the representative of a commercial community which took a great interest in bankruptcy reform, a few moments' attention while he stated the views entertained by his constituents. The hon. and learned Member who spoke last advocated a Micawber-like mode of dealing with the subject, thinking that they should wait a year or two until they saw what might turn up. That would not be a very expedient course. If they waited a year or two, they would be told that the question was settled as lately as 1861, and that it was too soon to interfere with it. His constituents were not favourable to that suggestion. On the contrary, they desired him to state that any alteration of the law of bankruptcy which did not embrace the appointment of a Chief Judge would be wholly unsatisfactory to the mercantile community, and they would far rather the Bill should be altogether lost than passed into law without that provision. There was almost perfect unanimity of opinion on that matter in the City, as indicated by the petition he had recently presented, to which 800 signatures had been appended, and amongst them those of twenty-five of the principal bankers. Sentiments nearly identical to those of his constituents had been expressed, by petition and otherwise, in all other parts of the country, with the single exception of Manchester, and, perhaps, also, of Birmingham. At the late meeting of the Associated Chambers of Commerce, held to discuss this subject, and which arrived at conclusions favourable to the measure as approved by that House, among the principal towns represented were Belfast, Bristol, Coventry, Dundee, Glasgow, Hull, Leeds, Liverpool, Norwich, Wolverhampton, &c. With respect to the opinion of Manchester, he wished to draw attention to certain facts connected with the expression of that opinion. In February last certain mercantile firms in Manchester addressed a memorial to the hon. and learned Attorney General on the question. In April they also addressed a petition to the other House, complaining of the uncertainty, expense, and delay at present attendant on proceedings in bankruptcy, asking for increased facilities for arrangements, and declaring that the standing and character of the Courts ought to be improved, and that uniformity in the administration of the law ought to be secured. But how could such uniformity be secured while the law was administered by five or more different persons? The existing Commissioners were not responsible for the defective state of the law; but the creditors of a bankrupt did not know into whose court they were going; they said that if they only knew that, they could form some idea of how the case was likely to be settled; and, in short, the whole matter was now a perfect lottery. Besides that, there was an utter want of dignity about the existing tribunals, which deprived them of that public respect which ought to be secured for any court of justice. To return to the petitions from Manchester. Attached to the first of those petitions there were 62 signatures; to the second only 48. He had a memorial from a gentleman representing one of the large mercantile bodies at Manchester; and, although that and another body had about 1,500 or 1,600 firms belonging to them, only 48 out of that number prayed that House to agree to the Lords' Amendments. These 48 firms, he understood, represented property to the amount of £14,000,000; but he was assured that £200,000,000 more nearly represented the property held by the 800 firms whose signatures were appended to the petition in favour of the Bill; and he earnestly prayed the House to give due weight to the opinion so forcibly expressed by that petition.

MR. HORSFALL observed, that he would not have said a word on that occasion had the hon. Gentleman confined his remarks to his own constituents; but the hon. Gentleman had spoken also for Birmingham and Liverpool. And in justice to the hon. Gentleman he must state that he thought he had been somewhat deceived by the circular he had received from the deputation of the Associated Chambers of Commerce. He had himself received a similar circular, and he found, on inquiry, that Liverpool was not represented in it at all. The Chamber of Commerce of Liverpool had spoken for itself; its petition to the House was in reference to one clause only of the Lords' Amendments, the clause which referred to creditors' assignees. As to that clause, the petition affirmed the principle laid down in the Bill, but on the question of the appointment of a Chief Judge it expressed no opinion whatever. On that point he believed that opinions in Liverpool, Manchester, and Birmingham were very much divided. Had he himself felt any doubt on the subject, the speech of the hon. and learned Member for Guildford would have satisfied him that the appointment of a Chief Judge would be neither more nor less than a waste of the public money.

MR. HADFIELD said, he believed that the trading classes in Manchester were not opposed to a Chief Judge, though there was, no doubt, great division of opinion upon the matter. He had been urged on various occasions by his constituents to support the Bill, and he had acted in accordance with their wish. Still, he thought that no one section of the community ought to decide the question, but the great and disproportionate cost of the distribution of bankrupts' assets under the existing system was an unanswerable argument in favour of the Bill. Of all the plans proposed for the distribution of bankrupts' estates the plan embodied in the Bill was the best. If they were to go on spending 50 per cent of a bankrupt's estate for distributing it, they had better, like the Americans, have no bankruptcy law at all, but let the creditors scramble for it.

MR. TURNER said, he had felt for some little time, owing to the number of questions which had been addressed to him, as if he were upon the hustings in the face of his constituents. It certainly was not very flattering to the ability of hon. and learned Gentlemen at the other side to hear them all referring to a petition from forty-eight individuals, as if it contained rules which ought to guide the conduct of the House. The forty-eight firms which had signed the petition in question were all of the highest respectability, and doubtless represented, as they stated, £14,000,000 of credit given, though he hoped for their own sake they would never be obliged to collect them in the Bankrupt Court. But he must be excused for saying that such an amount, large as it undoubtedly was, by no means represented the entire wealth of Manchester. In common with the hon. Member for Liverpool he could state that great diversity of opinion existed on the subject among his constituents. For a long time serious complaints had been made of the delay and expense of proceedings in the present Courts of Bankruptcy, and the attention of the Chambers of Commerce had frequently been directed to the fact that but a small percentage of the sums collected under that system found their way into the pockets of the creditors. One of the forty-eight gentlemen to whom reference had been so freely made told him that his objections to the appointment of the Chief Judge would be greatly lessened if that dignitary were really efficient, and if arrangements could be made by which he would go circuit through the different provinces, like the other Judges. He should give his vote in favour of the Bill in its original shape.

MR. HENLEY said, the debate rendered it evident that diversity of opinion did not merely exist out of doors on the question, for arguments more conflicting and contradictory he had never listened to. He certainly had been surprised at the speech of his hon. Friend the Member for the City of London (Mr. Crawford), for, not content with putting forward his own views, he set to work to dissect the opinions of others. That did not show a very great confidence in his own arguments; and, moreover, when central bodies met in London and petitions were presented nearly in the same words, those who were acquainted with the way such things were managed did not attach as much weight to their decision as if the petitions had been the result of spontaneous action. The hon. and learned Member for Plymouth (Mr. Collier) said it was most important for the non-traders that there should be an efficient Chief Judge. But the question immediately presented itself who was that Chief Judge to be? Were the judgments of any barrister of twelve years' standing likely to be received with more confidence than those of the Lords Justices? Such a Judge would be an unknown quantity against two good ones; and, as far he was concerned, he should be very willing to trust any interest he might have in the hands of the Lords Justices, who, he believed, formed a very safe tribunal. Then the hon. and learned Member for Wallingford (Mr. Malins) thought the Bill entirely wrong, but it was not possible to understand the force of his reasoning. The hon. and learned Member said that five years ago he had declared that the Commissioners, who had little to do, and did that little badly, ought to be abolished. But now he declared his willingness, not only to retain those Commissioners, but to employ a Chief Judge to assist them. The hon. and learned Member contended that those who had not before opposed the clause were now precluded from doing so. But he maintained that on a subject where such great diversity of opinion existed, both in and out of the House, and where the measure had come down from "another place," supported by such a weight of authority, those hon. Members who previously had no very strong opinion on the subject, but were now forced to look at all the arguments on both sides, might not unreasonably exercise an independent judgment. The strongest argument, however, in favour of the appointment was that of the hon. and learned Attorney General — that he would have plenty to do; and he (Mr. Henley) wished to call the attention of the Attorney General and the hon. Member for Manchester to this point. The Attorney General had argued that it was a mistake to suppose the Chief Judge would have nothing to do, and, referring to the jurisdiction which was to be given to the County Courts, had calculated that if there was one appeal from every place at which a County Court Judge held his sittings they would amount in number to not less than 500 per annum. That must be a great consolation to the country districts, but if there was to be no delay in disposing of these cases they would want more than one Judge. The real question at issue was, had they now sufficient judicial power to dispose of the appellate jurisdiction in bankruptcy? If it was sufficient, all parties were agreed that the existing tribunal was a good one. Until it was tried we could not tell whether it was sufficient or not. If it was found to be insufficient it would be easy to add a Judge, but if a Judge was once appointed he could not be got rid of without a superannuation allowance. That process had been gone through once within thirty years, and those who recollected that occurrence were naturally rather shy of appointing a high judicial officer until it was clear that his services were required. As far as his information went he believed that the existing judicial power was sufficient, and before appointing another Judge he should like to see it tried. The hon. and learned Member for Plymouth (Mr. Collier) had referred to the jury trials for the various misdemeanours which were created by the Bill. As the measure left that House the Judge who was to direct the prosecution of the bankrupt was also to preside at his trial. For his own part he approved the change which had been made by the House of Lords, and thought that it was more consistent with justice that a man charged with a crime should be sent to be tried by a perfectly independent tribunal. For these reasons he thought that the alteration which had been made in the Bill was a good one, and should vote in favour of the Amendment of the Lords.

MR. MOFFATT said, the existing system had been weighed in the balance during the last twenty years, and had been found essentially wanting. It was said that insolvency in the country had decreased, but he asserted, without fear of contradiction, that it had enormously increased, and chiefly in consequence of the defective state of the law on the subject. In almost every case of insolvency the party called his creditors together, and offered a larger sum in the pound than they knew they could get through the Court of Bankruptcy; and although they might consider in many instances that it was less than it ought to be, it generally happened that they accepted the offer. Every creditor knew that the moment an estate got into bankruptcy he lost all practical control over the assets of the insolvent. The Commissioners were excellent and worthy men, but the public had not faith in their surveillance and control over the official assignees, and the result was that a very small proportion of the cases of insolvency went into the Bankruptcy Court. Under the Bill as it passed that House he believed there would be a general resort by creditors to the Bankruptcy Court; and for himself, he thought that if they did not introduce a Chief Judge who would obtain the confidence of the mercantile community they had better abandon the Bill altogether.

MR. WALPOLE: I think it is a great misfortune that the debate on this subject should not have been taken in Committee. It is a still greater misfortune that we should now have to argue the question on an Amendment which has been introduced in a Select Committee of the House of Lords, and which has never been fully discussed in either House, instead of considering it in Committee with a view to ascertain whether we have made the best provisions for carrying into effect a new law of great importance. The consequence has been that neither the mind of this nor the other House, nor the mind of the country, has been called to the matter. The question, therefore, is one of first impression, and has never been discussed. Treating it as such, I am bound to look at it without regard to anything which has passed before, since nothing has passed in Parliament before, and to consider whether we really require a new Judge, with a salary for £5,000, to superintend the adminstration of this law when it is first set on foot. From all I have heard in the course of the debate this appears to be clear, that to introduce the great alterations which you are attempting with regard to the assimilation of Insolvency and Bankruptcy and the practical abolition of imprisonment for debt without a superintending Judge would be very disadvantageous. To that extent, therefore, I am in favour of the measure as originally sent up to the House of Lords. I am bound, however, to ask myself the question which my right hon. Friend has so forcibly put to the House—whether, this measure being purely tentative and experimental, and not a final settlement of this great and difficult question, is it right to saddle the country with the expense of a new Judge, unless we are absolutely certain that a new Judge will be required? My own opinion, unquestionably, is that the necessary superintendence may be obtained in the same way which was once adopted before, of grafting the Judgeship in Bankruptcy on one of the Vice Chancellors for the time being. I think we had better do that in the meantime, and thus secure all the advantages of an able superintending Judge to keep the law uniform, without committing ourselves to a new appointment, which we might afterwards have to recall. Whatever may happen with regard to this particular Motion, the course I shall think it right to take will be clear. If the question should be negatived I shall be content to leave the matter for one year under the superintendence of two of the ablest Judges on the Bench, the Lords Justices of Appeal, trusting that after that experiment you will see whether it is necessary to appoint an independent Judge for the future. If, on the other hand, the Motion of my hon. and learned Friend the Attorney General should be carried, I think it will be very questionable whether, when we come to Clause 3, we ought not to amend it by omitting the words creating a new Judgeship, and inserting words to the effect that one of the Vice Chancellors for the time being shall be the Chief Judge in the Court of Bankruptcy. I am aware that some doubt has been entertained whether an Amendment of that kind can be proposed after the Lords have rejected the clause; but I believe that precedents have been discovered which show that it is in the power of the House to adopt it.

THE SOLICITOR GENERAL: Sir, I entirely agree with my right hon. and learned Friend who has just spoken in thinking that it is very much to be regretted that this subject was not discussed in this House on a former stage by those who are the opponents of the proposition made by the Government. But I cannot admit that the mind either of Parliament or of the country has not been addressed to the principle. All was done which it was possible to do on the part of the Government to impress on the mind of the House that this was an important part of the Bill. Its policy and object were clearly explained by my noble Friend the present Lord Chancellor. Nor was it introduced suddenly. It was contained in several former propositions on the subject, it has been years under discussion, and not a single voice has been seriously raised against it. The mind of the House has been as far addressed to the subject as is possible without opposition from hon. Gentlemen on the other side of the House. Still further from the truth is it that the mind of the country has not been called to the question. For years the country has been knocking at the door of the House, proclaiming the failure of the old system, and demanding a reform. The whole mercantile community were urgent in their demand for a change, and insisted that no time was to be lost. Nay, so urgent were they that they even complained of the unavoidable delay which occurred in giving the measure proper consideration. That demand was not an idle one. It was supported by the remarkable fact that for a series of years the business in bankruptcy had been declining, and that by the side of the system was growing up, in enormous proportions, a substituted system of private arrangements, which withdrew the liquidation of insolvent estates altogether from the cognizance of the law. Such a state of things spoke volumes as to the absolute necessity of reorganization and reform. What was the cause of that state of things? I will appeal to the most unfavourable witnesses we can discover—to those forty-eight Manchester firms whose single voice in the whole mercantile community of the kingdom is now raised in favour of the Lords' Amendments. These firms tell us now that the Lords Justices do the business perfectly, and that no other Judge is required. But on a previous occasion, when these petitioners had to unfold the tale of their grievances and describe the remedy they sought, they complained of the uncertainty of decisions, and submitted that among the great *desiderata* of a just reform were uniformity of decision and standing, character, and dignity of the Courts. What did that mean? What could it mean, except that there should be a Judge to preside over the administration of this branch of justice, in order to reduce incoherence and inconsistency to order and uniformity? The rest of the mercantile community have taken that view of the matter, and to no point has the attention of the country been more fully directed.

In approaching this subject with a view of repairing the evils of which the petitioners complain, we should endeavour to prune away all the abuses we could discern, and to meet the reasonable wishes of the mercantile community as far as possible. At all events, we should aim at removing any impediments which prevent the whole business of bankruptcy and insolvency from being brought within the scope of one law, and at giving unity, consistency, and authority to the administration of this department of justice. To effect this it is necessary to have a head, a centre, a presidency, a ruling genius to control the operation of the system, and such a head the Government propose in the person of the Chief Judge. To strike him out of the scheme is to reduce it to the same disorder and confusion which you find in the existing arrangements, and which it is your object to put an end to. The way in which this House—I will not say has proceeded, but is asked to proceed, by those who support the Lords' Amendment, is most singular. Last year a Bill was introduced which proposed to abolish the Commissioners, and to put them on pensions, and have a Judge. No one objected to that abolition, or to the Judge, only you would not pension the Commissioners. This year the Government is not departing from that principle, but, deferring to the views of the House, by an arrangement which after all is only of a temporary character, they propose a transition of a more gradual character in lieu of the more abrupt transition provided by the Bill of last year. They do not depart from the principle of authority—from the principle of unanimity; but they say, "Since the House does not like pensions we will retain the Commissioners, and make use of them as long as they will give their services to the public. The transition shall be gradual, but the Commissioners shall no longer be independent units, each revolving in his own orbit, and all utterly ignoring each other. All shall be subordinate under one chief, who shall reduce to order that system of which he is the head." The Bill provides for the reduction of the number of Commissioners as vacancies may happen. Power is taken in the Bill to retain a *maximum* number of three Commissioners, but the Bill does not stop there, for Clause 23 gives an elastic discretion to reduce the number below that *maximum*, if it be shown by practice that the business can be conveniently discharged by less than the three; and in order to facilitate the reduction, and to pave the way, if it may be found convenient, to the ultimate abolition of the Commissioners altogether, there is a machinery for employing the registrars in all ministerial, and not properly judicial, business which can be discharged by them. The Bill, therefore, contains within itself the elements of a self-regulated system, which will, in the course of nature and necessary events, bring you to the point to which you would have been brought by the Bill of last year. Last year the House would not have a Judge with the Commissioners pensioned off. Now some hon. Gentlemen will not have a Judge with the Commissioners working till they die off, or until they are by other means gradually reduced. Is that because they like Commissioners? I have not heard that stated. Of course, as regards the Commissioners themselves there is no voice raised against them. The faults with which we are endeavouring to deal are faults of the system, and those learned gentlemen are not to be held responsible for them; but no one has held that it is desirable to maintain the present system of Commissioners. I have not heard a word which would indicate that. I must express my concurrence with my right hon. and learned Friend the Member for the University of Cambridge, that it is a misfortune that we do not know on what principle the Lords proceeded. I cannot help thinking that this part of the case did not receive the consideration to which it was entitled; and to this we may, in a great measure, attribute the alteration which we now ask the House to remove, and which I venture to think was hastily and unadvisedly introduced. But my right hon. and learned Friend who last addressed the House said that this was an experimental measure, and was accordingly to be treated in an experimental way. I deny it. This is not an experimental measure in any sense but that in which every measure of reform is experimental. In the working every reform may be found to have weak points and strong points; and in that sense every measure of reform is experimental; but in no other sense is the scheme now before the House experimental. It is the result of long and matured consideration. I entirely protest against the notion of dealing with this, the cardinal point in the system, as if we were merely throwing it loose on the world to see how it would work, and then, in the next Session of Parliament introducing another and a different plan. It was not with that view the Government introduced this measure. I believe it was not with that view the mercantile community in general approved it, and I venture to state that it was not with that view it was passed through this House. I have been greatly puzzled by some things which have fallen from those speakers who have upheld this Amendment. They have not said expressly, "We agree with the Lords. We do not like the Judge. We wish for another system." Not at all. There is hardly one of them who, if in a year or two he found himself an occupant of the bench on which I have now the honour to sit, might not say, "I thought all along that the Judge was the right thing, but at the same time I considered it more prudent to wait till some experience had been had under the new Bill." Those hon. Gentlemen seem to bear in mind the maxim of an ancient master of politics as well as of rhetoric, who recommends us always to hate as if we knew that some day we would have occasion to love. Those hon. Gentlemen, if in a few years they find themselves in the position in which we now are, and if they find the country knocking at their doors and saying, "This system won't work without the head which you cut off from it," may reply, "We never seriously doubted that from the beginning, and now that experience has proved that we were right we are willing to appoint a Judge." I venture to say that the present is the time, that the necessity is now as clear as it will be then. We are now dealing with the subject, and I think the country will have a right to cry shame if we do not deal with it in a manner that will give our new system the best chance of success.

The hon. and learned Member for Guildford (Mr. Bovill) says, "What are you doing? You are appointing over again the old Judge in Bankruptcy whom you appointed in 1831, and who worked so ill that you had to abolish him a few years afterwards. You are giving him the same functions." Now, is that a fact? For the argument is good for nothing if it is not the fact. It is not a fact. The functions are as different as any functions can be. I will enumerate very shortly the more important duties of this Judge. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) seemed to forget some of them. He spoke as if this functionary would have nothing to dispose of but appeals; but this Bill provides for a very large amount of original jurisdiction of a most important character which is to be discharged by this Chief Judge. I will take first what is, perhaps, the most important point—the clause with reference to the discharge of bankrupts, who will hereafter include non-traders and insolvents as well as traders. Every case of a contested discharge falling within the London district will be of necessity referred to and tried by the Chief Judge, and also if the Commissioner who shall have the administration of the case shall find that there are any special circumstances which, though there may be no opposition, appear to form a well-founded objection to an immediate discharge, it will be his duty to report those circumstances, and reserve the question for the determination of the Chief Judge. What is the existing system with respect to certificates? There are five Commissioners, and there may be, and practically there are five different rules as to the principle upon which certificates shall be given. If there is any question more difficult than another it is the question of conduct which arises on granting a certificate. One Commissioner will give a first class certificate in thirteen cases out of which another would give such a certificate in only one. Such is the want of method, unanimity, and uniformity which now prevails. And yet the branch of the administration of justice with which we are now dealing is one on which it is not too much to say commercial morality depends in a very high degree. The object of the bankruptcy law is to give a free and full discharge to any honest bankrupt; and, in order to prevent the operation of that law being a premium on dishonesty, it is necessary that its administration should be very carefully and ably conducted. What more important function can be imagined than that which occupies so considerably the time of the Commissioners at present? And I know that very many of the cases of Bankruptcy which come before the Lords Justices are questions of certificate, which are singularly ill-adapted for appeal, on account of their peculiar nature. This original jurisdiction of a most important character, affecting the reputation of every one brought under it, and the whole commercial morality of the kingdom, is by this Bill brought primarily in contested cases, and in uncontested cases, by the report of the Commissioners to the Chief Judge. The effect of the Lords' Amendment is to throw it back on the five Commissioners, not sitting as a Court, but each applying one-fifth of a principle or one-fifth of a rule, or five different principles and five different rules; so that it will be a toss up, a game of chance, of haphazard, whether a man who has conducted himself in a questionable manner shall get off free, or be punished leniently or severely, if punished at all. If upon any one point it is necessary to concentrate the power of a single mind of high ability, and possessing the confidence of the public, it is upon this point; and this seems to have been entirely lost sight of in the Lords. It seems to have been lost sight of in the debates which have taken place here; and, if anything could add weight to this consideration, it is that you not merely abolish by the present Bill the classification of certificates, but substitute for it a system of penal process. Not only is there a clause which provides for the trial of a bankrupt if he stands accused of any offence against the law as it at present stands, but there is an independent particular enactment against new offences, for which, with his consent, he may be tried by the Chief Judge, according to the proposal of the Government; or by the Commissioners, according to the proposal of the Lords; and, if he do not consent, for which he may be sent to be tried in other courts of the realm. Rules and principles are for the first time embodied, so to say, in the penal laws, by which the conduct of a trader is to be tried and determined in this court: not offences for which he may be tried anywhere else, but mercantile offences, for which he may be tried there, and for which he may be punished expressly on a penal principle, not by qualifying the certificate or for a time suspending protection. The Lords have sent back that clause, leaving that also to each and every one of the five independent Commissioners. But I think the House of Commons will be of opinion that this is a jurisdiction which ought to be intrusted to the hands of a Judge of the highest standing, of the highest character, and of the highest authority, who shall administer justice in a manner calculated to give satisfaction to the people at large.

The other duties are very important, though not so important as this, and I only pause to advert to them for the purpose of correcting the notion that the Lords Justices will do whatever the Chief Judge would have done, and which is left now unprovided for by the Amendments. My hon. and learned Friend the Attorney General has pointed out the different special matters upon which the attention of the Chief Judge would be employed otherwise than by way of appeal. Under the 61st Clause he was to have particular points of law upon the administration of the estate referred to him. That is not to be done by the Lords Justices. It is now to be done by each of the five Commissioners, who may certify five different ways, and bring the law into greater confusion than at present, instead of giving it greater clearness. The trial of issues is left otherwise. That is to take place before the Lords Justices. But I have not heard my hon. and learned Friends who are acquainted with the administration of justice in the Court of Chancery express an opinion that the Lords Justices are likely to devote much time to the trial of issues of fact with juries. They have shown no disposition, at all events, to avail themselves in other cases of the power to summon juries which they possess, and I do not think that without great interference with their business they could do so. Special cases are also to go to the Commissioners, if there is no Chief Judge. With regard to appeal business, you enlarge the number of courts from which those appeals will come; and I will here make a few observations to bring clearly under the view of the House the various sources of increased business which seem to be left entirely out of sight when it is supposed that there will be only the same business to discharge as formerly, and that it is sufficient to rely on the same staff. There is the transfer of insolvency in the first place, in which there is no appeal at present. Some hon. Gentlemen seem to think that it works very well. Perhaps they think that you may very well abolish appeals. No doubt if there are no appeals you will not have the trouble of providing for them. But I cannot help thinking that, now you let in the non-traders, and include the whole property of the country, from the highest Peer to the lowest peasant, it will be a startling thing if you contend that no appeal is necessary, or that no appeals may be expected. You must bear in mind that the effect of the non-trader clauses is entirely new, and that previous experience in matters of insolvency cannot be applied either to the number of cases, or the importance of the question, or the amount of the property. Then there are all the composition deeds, amounting, upon an average of ten years, to 10,000 a year. These, in addition to the 1,000 or 1,100 cases of bankruptcy, are all to be swept in and made subject to the jurisdiction of the Court. In every deed you may deal with matter for a whole host of Chancery suits; and can it be supposed that this will not be a source of important business, for which provision must be made, and with respect to which the appointment of a Chief Judge is essential? Take into account besides the increase of bankruptcy business in general which must arise from the beneficial effect of these improvements, and the facilities which will be given to the public to come into bankruptcy in one shape or another, and who can possibly doubt that the machinery of the Bill will and must bring under cognizance all the business of insolvency throughout the kingdom? When these things are considered, surely the policy of having a Chief Judge, as originally proposed, is more than amply justified. Surely I have shown that in striking out the Chief Judge you strike out the regulator of the whole system. The argument against it assumes the failure of the Bill. But why it should fail I do not know. It is a Bill the substantive provisions of which have passed both Houses. If anything causes it to fail it will, undoubtedly, be striking out the regulator. But, unless you assume that the Bill will fail to bring business and to satisfy the wants of the community, it is clear you are strangling it, crippling it, destroying its chance of success, by leaving out those means which are provided to secure a consistent, uniform, dignified, and authoritative administration. I wish the Lords Justices were here to speak for themselves. I am very sure that their Lordships would be surprised to hear that they are to do all which you call on the Chief Judge to do. Not a word which can be said of the manner in which their Lordships have discharged these duties hitherto can exceed their deserts. But their bankruptcy business is of a different character, and has reference to matters of far less importance and magnitude than those which you throw upon the Chief Judge. They have discharged no part of the original jurisdiction in bankruptcy, nor is it proposed to give it to them. But I venture to say, if the increase of business takes place, which it is impossible to doubt will take place, unless the Bill is a total failure, and if there is a proportionate increase of appeals, those appeals will absorb the whole time of the Lords Justices, and turn them into a Court of Bankruptcy. They were not established by Act of Parliament to be a Court of Bankruptcy. They were established to assist the Lord Chancellor, and any attempt to overload them with bankruptcy business will, in truth, be simply destroying the valuable machinery which the Legislature has created for a different purpose, and throwing the business of the Court of Chancery into confusion, merely to avoid giving a head to the Court of Bankruptcy. And I take the liberty of saying one thing, which is consistent with the most profound respect for the Lords Justices personally, and for the manner in which they have discharged their duties:—You never can expect from a Court which has other functions the same efficiency in the particular duty of superintending the general administration of such a system as bankruptcy, as you may expect, and doubtless will find, from a Judge whose office makes it his duty to attend exclusively to that particular thing. Bankruptcy before the Lords Justices is a secondary object, and so must be. When it comes before them in the way of appeals, doubtless they give precisely the same attention to it as they give to other business; but the duty of general superintendence, the duty of being the head of a system, cannot with any prospect of beneficial results be appended to another system entirely alien from bankruptcy. The other proposal made by my right hon. and learned Friend the Member for the University of Cambridge is, I take the liberty of saying it, even more objectionable than to rely on the Lords Justices. His proposal is that one Vice Chancellor or the Master of the Rolls shall have united to his present jurisdiction the duty of discharging all the functions which this Bill proposes to throw on the Chief Judge in Bankruptcy.

MR. WALPOLE: I did not propose all the functions as proposed by the original Bill, but as amended by the Lords, which is a totally different thing.

THE SOLICITOR GENERAL: I understand my right hon. Friend to mean exclusively the appellate functions. To give the appeal business to one Judge in the Court of Chancery would not in the least degree promote either the speedy or efficient administration of the business, while it would most materially interfere with the proper business of the Court of Chancery. So far from adding to the bankruptcy jurisdiction of the Court of Chancery, it would rather be convenient to remove from it a class of business akin to bankruptcy—namely, the winding-up of insolvent joint-stock companies—a species of business which would be better discharged by the Court of Bankruptcy. It is a great mistake to imagine that because in any given year some particular Court for a short time may not be fully occupied, that, therefore, the Court of Chancery has too much strength for its business. It is true that in the early part of this year business was slack in the Rolls' Court; but that was not owing to any permanent cause. The Judge of that Court, a man worthy of the name he bears, who for a long period has discharged his duties in a manner combining perhaps in a degree not exceeded by any other Judge, despatch, accuracy, and safety of decision, transacted the business with such despatch and efficiency, that the incoming business did not equal the outgoing. But such a state of things in a short time tends to alter itself. Nature abhors a vacuum, and this vacuum soon filled itself up. The suitors soon find out where their business will be rapidly transacted; and this state of things very shortly ceased to exist. Nor is it at all consistent with experience that the permanent feeders of the business of the Court of Chancery will so far fall off as to make it probable that one of the Judges who for the last ten years has been fully occupied will hereafter be found to be insufficiently occupied.

Let me ask, in conclusion, whether the House wishes to deal in a merely experimental spirit with this important matter? If a Chief Judge be necessary this is undoubtedly the time to appoint him. When you are launching a new and important reform, which must increase the business, and which must require concentrated administration, that is the time to apply this remedy. No course that I can imagine would be more unwise than to wait till the success of the measure has been imperilled by leaving out the condition under which alone it is likely to have eminent success, and when the public are discontented and the whole matter is at sea again, then to say we will consider whether we cannot patch the system up by appointing this Chief Judge. I find no reason or principle, nor do I find any authority in favour of such a course. But one single mercantile body has said a word in favour of such a proposal, and that body testified against it before it became a matter of political controversy in the House of Lords. The other mercantile bodies are against it. It is clear that the London district is most interested in the matter, and one is not surprised, therefore, to find the London merchants confident in favour of a Chief Judge. I am justified, therefore, in saying that there is no trace of an adverse opinion existing in any part of the country. You have no single reason against the proposal except the authority of those eminent names which in the House of Lords appear to have given their sanction to this Amendment. For those learned persons I entertain so profound a respect that I am not inclined in any way to under-estimate the weight due to them. But when we have their opinions without their reasons, when we are not aware how far the subject was considered by them, or how far they were led to suppose that the opinion of Manchester and Lancashire was adverse to the Government proposal, I cannot think that the mere authority of those eminent names ought to overrule the weight of experience, of principle, and of necessity, and of the long and deliberate consideration which the subject received before the Bill was sent up to the other House of Parliament. This House, at all events, having sanctioned the proposal for reasons which have not yet been answered, would, I think, do very far from well if it were not now to express its adherence to its original decision.

SIR HUGH CAIRNS: Sir, I will begin the very few observations I have to address to the House by welcoming back to our councils the hon. and learned Gentleman who has just sat down, the advantage of whose advice we have enjoyed before, and may now congratulate ourselves on again possessing. In order to narrow the discussion as much as possible it will be desirable to consider what the precise question before us is, for I have observed in the debate a tendency to go wide of the point—though certainly not on the part of the hon. and learned Gentleman who has just addressed us—and to travel into a general disquisition on the imperfections of the bankruptcy laws. The only question before us on this Motion I take to be this—whether, having already in the London district five Commissioners of bankruptcy with salaries of £2,000 a year, it is wise and expedient, by way of experiment, to add a Chief Judge whose jurisdiction for by far the greater part of the time will be co-ordinate with that of the five Commissioners, and who will, in fact, simply be, so far as the greater part of his duties are concerned, a sixth Commissioner for the London district? The view of the mercantile bodies on this question of a Chief Judge is, of course, of great importance, and I am free to confess that the greatest attention ought to be paid to their opinion on the matter in which, after all, they are the most deeply interested. But most of those who have observed on those expressions of opinion of the mercantile community have fallen into a great error. Take, for instance, the petition from the City of London. They ask that the Lord's Amendment as to a Chief Judge may be disagreed with; but for what reason? They say that there are already five different Commissioners, coming constantly to conflicting decisions, and, therefore, they want a Chief Judge. But did these petitioners know the real state of the case? Were they informed that the very thing to which they object is the very thing which will exist a week after this Bill passes? Were they informed that if this Bill passes without the Lords' Amendment there will be not only five Commissioners, but a Chief Judge in addition—six Commissioners in all, with co-ordinate jurisdiction within the London district, who may, if they please, come to six different decisions—with this addition, that the Chief Judge, when he is tired of sitting a co-ordinate Commissioner, may sit to rectify by way of appeal those things which have hitherto been rectified by a tribunal which at least has given as much satisfaction as the new Judge can expect to give? The petitioners evidently conceive that if they get a Chief Judge they will get rid of the Commissioners. But that is by no means the case. The Commissioners will be like the old man of the mountain, in the story, sticking fast to their shoulders. My hon. and learned Friend the Solicitor General went too far in suggesting that this Bill was a transition Bill, gradually getting rid of the Commissioners, for it gives power, when the Commissioners have sunk down to three in number, to make new appointments to keep them up to that number. Therefore, when that time arrives the merchants of the City of London will have three Commissioners coming to different decisions instead of five. The hon. Member for the City of London (Mr. Crawford) says he finds a great want of dignity in these Courts at present; but the same objection will apply to them when this Bill passes. This Bill gives them increased jurisdiction, and, if that increased jurisdiction does not increase their dignity, the hon. Member's objection will remain all the same. The hon. and learned Solicitor General says that the petition of the forty-eight Manchester firms is the only voice that has been raised on the part of the mercantile community in favour of the Lords' Amendment. The hon. Member for the City of London, too, surprised me when he spoke of the Associated Chambers of Commerce coinciding with the traders of the City of London. I hold in my hand a petition agreed to at a special meeting of the Standing Committees of Associated Chambers of Commerce. The first of these bodies is the Chamber of Commerce of Belfast, not on account of its importance, but as a matter of alphabetical arrangement. Then comes the Chambers of Birmingham, Bristol, Glasgow, Hull, Leeds, Liverpool, Sheffield, Southampton, Wolverhampton, and a number of other places. What does this petition of the Associated Chambers of Commerce say? It takes up all the Amendments of the House of Lords, and objects to some of them, but does not say one word against the Amendment striking out the clause relative to the Chief Judge, leaving it to be assumed—and it must be assumed—that they are quite satisfied with the Amendment of the other House, and that they have not one word to say against it. But the matter does not rest there. The hon. Member for Liverpool (Mr. Horsfall) says that the town of Liverpool and the traders of Liverpool are very much divided on this subject. Nor is there a clear and unequivocal voice from Manchester, for that town also is divided on this question. Inasmuch, then, as the petition of the traders of London is founded on a misconception, as the petition of the Associated Chambers of Commerce indicates no objection to the Amendment, and as the towns of Manchester and Liverpool are divided in opinion, we must conclude that either a large portion of the mercantile community look with satisfaction on the rejection of the Chief Judge clause, or else that they are entirely indifferent on the subject.

My hon. and learned Friend says that some of those who objected to this Bill did so on grounds inconsistent with the course taken by them last year on the Attorney General's Bill. I beg to correct my hon. and learned Friend on this point. What seemed to me an undoubted benefit was that the Bill of last year swept away these Commissioners, and gave one uniform and unvarying tribunal for the London district. By this means the co-ordinate jurisdiction was got rid of, and on this ground expressly I and others approved this Bill. But in the Bill of this year several hon. Members on this side of the House disapproved that part of the Bill which combined the Chief Judge with the five continuing Commissioners. As to the appellate authority of the Chief Judge we have evidence that proves almost to demonstration the amount of his duties. I will take, for example, the appellate jurisdiction of the Lords Justices, and ask—can anything be more of a mockery than to appoint a Chief Judge for the sort of appellate jurisidiction I am going to describe? The Appellate Court in Bankruptcy sat last year fifteen days and heard forty-two cases. That was the whole of the appellate business. The hon. and learned Attorney General says that the number is probably few, either because the cost is great, or the delay is considerable. I challenge both statements. I do not know the cost of an appeal in bankruptcy, but will the hon. and learned Attorney General point out one sentence in the present Bill that lessens the cost of appeal? There is not one word that deals with the question of cost, or that makes an appeal a shilling cheaper than before the present appellate tribunal. If such a clause were introduced, the only result would be that if appeals could be made less expensive before the Chief Judge they could be made less expensive also before the Lords Justices; and if the hon. and learned Attorney General should apply such a clause to the reduction of the cost of an appeal to the Lords Justices, he would be taking a step in the right direction. The hon. and learned Gentleman is also under an error when he speaks of the delay in the Appellate Court of the Lords Justices. The fact is that whether an appeal be put down on Monday, Tuesday, or any other day, if the parties are ready to have it heard it will be heard on the following Friday. There is, therefore, no delay before the Lord Justices. All the Judges that might be created could not expedite matters more, for the state of business is such that when an appeal is ready to be heard, it is heard at once and disposed of. But the hon. and learned Attorney General suggests that there is going to be a great increase of business, and it is, therefore, assumed that there will be more appeals. The hon. and learned Gentleman reminds us that the Chief Judge will have jurisdiction over appeals from sixty County Courts. I hope that by increasing the tribunals we are not about to increase the number of appeals, because that would be an ill compliment to your tribunals. I will assume, with the hon. and learned Attorney General, that the business will increase so as to be double what it is at present—that there will be eighty cases instead of forty, occupying thirty days instead of fifteen. But is not the Court of the Lords Justices perfectly able to give thirty days and dispose of eighty cases with the same satisfaction as forty cases? [The ATTORNEY GENERAL: I did not say there will be double the amount of business merely, but that there will be a very largely increased amount of business.] I took down the hon. and learned Gentleman's words, and I understood him to say that the "business might be taken as at least double." But if the matter is thrown loose again I am at liberty to speculate that the business will be double, and that the appeals will be double in number; and I say that if that is all the appellate tribunal will have to do you do not want a Chief Judge with £5,000 a year, and all the costs of a new Judge to do it. The hon. and learned Solicitor General says it is an evil to have five different Commissioners, because they have five different standards as to the conditions on which certificates ought to be granted. The certificates are of different classes, and each of the Commissioners took a different view of the merits of the bankrupt, one Commissioner giving one class of certificates and another Commissioner another class for similar cases. But that clause of the former Bankruptcy Bill is abolished by this Bill, and that removes the difficulty about the Commissioners granting certificates of various classes. But the matter does not rest there. The hon. and learned Solicitor General says that uniformity will be attained by the one Judge, and that a general system of discharge for bankrupts will prevail. But by the Bill the original jurisdiction of the Chief Judge in granting certificates is confined to the London district. What, then, is the bankrupt to do at Liverpool, Manchester, and other towns; and what uniformity do you secure with regard to certificates in all those towns? It is a delusion, and we are asked to pay £5000 a year for that which does not exist. There may, indeed, be some uniformity with respect to four or five Commissioners in London, but with respect to the sixty County Court Judges, and the six or seven country Commissioners, the Chief Judge will not have the slightest original jurisdiction over the grant of these certificates. It is said that, as any one will be at liberty to consult the Judge on a point of law, the result will be that great uniformity will be produced, as there will not exist the varying opinions at present given by a number of different Commissioners. But is the House aware that the meaning of this consultation is simply this, that any person during the proceedings is to be at liberty to take the opinion either of the Judge or of a Commissioner? Will that arrangement produce uniformity or that identity of decision which the hon. and learned Solicitor General says is likely to arise from it? The next point dwelt on by the hon. and learned Solicitor General has reference to the trial by jury; and the House has been told that a new system is about to be introduced, analogous to the system in the Divorce and Probate Court, by which a great deal of business is to be done by trials by jury. It is contended that for the satisfactory despatch of this branch of the business it is necessary to have a Judge at the head of the Court. Now, is the House aware of the whole extent to which trials by jury were applied in bankruptcy? The Court of Bankruptcy has no jurisdiction a all except over the bankrupt, the bankrupt's assignees, and any persons who choose to come in and submit to its jurisdiction ; and it is the rarest possible thing for people voluntarily to submit to the jurisdiction. The facts in dispute in bankruptcy generally relate to fraudulent preference or the real ownership of certain property, and these questions are never tried in the Bankruptcy Court, but are tried by actions at law. It is not in the nature of bankruptcy that there should be once in a month, I may almost say once in a year, any question of fact relating to the bankrupt which can be susceptible of being tried by a jury. So much for this point about the trial by jury, which is almost a delusion, but the greatest delusion of all is involved in the proposition respecting the punishment of bankrupts for misdemeanour. I admit that if the facts warrant the statement which has been made there would be a case for a Chief Judge, because it is said that a new principle is to be introduced into the system of bankruptcy—namely, that the bankrupt is to be punishable for offences for which he was not punishable before, and the Court of Bankruptcy is to have a criminal jurisdiction it never before possessed. The hon. and learned Solicitor General says that the House will not trust these extensive powers to any one but a Judge of the first standing. How stands the fact ? Is the House aware that all over the country, excepting only in that one spot characterized as the London district, these great powers so pompously paraded as a reason for a Chief Judge are given by the Bill, as prepared by the Government, to the sixty County Court Judges and the country Commissioners, without any original jurisdiction in the Chief Judge to control any one of them ? Therefore, the idea that, as great powers are handed over to the tribunal for the first time, the tribunal must be a first-class one is altogether fallacious, as may be seen by reference to the end of the 164th Clause. In these cases there can be no appeal to the Chief Judge, for the Government surely do not mean to say that they intend to introduce appeals in criminal cases, after a decision by a jury. It is idle, therefore, to say that a Chief Judge is wanted for that business. Is there anything else for which the Chief Judge is required ? The House has been told that there are to be a great number of deeds of arrangement ; that the parties to those deeds will require to consult the Judge from time to time ; that questions will arise which will have to be decided ; and that it is highly desirable, for the sake of uniformity, that the Chief Judge should have original jurisdiction over them. But the Bill does not affect this. The sixty County Court Judges and the Country Commissioners have exactly the same power in this respect as the Chief Judge, and not one iota of uniformity is secured by the appointment of the Chief Judge, as far as regards original jurisdiction. As to the appellate jurisdiction, uniformity can be secured through any appellate jurisdiction, and I think I have satisfied the House that the present appellate tribunal is able to do its business efficiently. Therefore, I charge the Government with being experimentary. I do not desire to appeal to great names ; but, I ask, what was the course pursued in the other House with respect to the Amendment under consideration ? It is said that this has been made a political question ; who has made it so ? Who proposed the Amendment in the other House ? It was a noble and learned Lord of great learning and experience in bankruptcy jurisdiction, whose eminent judicial talents and abilities will always cause him to be regarded with the greatest possible respect. That noble and learned Lord, acting in political concert, not with those who sit on the Opposition side of the House, but with the Government, proposed the Amendment, which was supported by the most eminent legal authorities who adorn the Senate, sitting in the other House. There was no division on it, and with the exception of the late Lord Chancellor, who, if he had had the opportunity of expressing his opinion by a vote, would probably have voted in favour of the Government Bill, all the members of their Lordships' Committee appear to be unanimous in supporting the Amendment. Therefore, if authority and freedom from political motive can commend any change, this change comes down to the House of Commons with the full weight of such recommendation. We are now at the end of the Session. Next year a consolidation of the law of bankruptcy is promised. If the Government then bring in a Bill abolishing the power of the Commissioners they shall have my hearty support ; but I do protest against throwing the whole administration of the bankrupt law into confusion by creating a sort of unmeaning, undefined, co-ordinate jurisdiction, which will be the result if the present proposal be carried.

Question put; the House *divided*:—Ayes 173; Noes 129: Majority 44.

Further Consideration of Lords' Amendments *deferred* till *Monday* next.

DURHAM UNIVERSITY BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. DANBY SEYMOUR said, he objected to the principle of the Bill. The Durham University, which with its large endowments ought to present great advantages to the youth of the North of England had become, as it was prophesied by the late Lord Durham it would become if not conducted in a liberal spirit—a mere manufactory of the lower order of clergy. During the thirty years of its existence the number of students had been gradually decreasing. He contended the University had been a total failure, as he believed the inquiry proposed by the Bill would prove a complete sham. The present Bill was actually less liberal than the Act of 1832, which professed to constitute a University for the advancement of learning generally, while this Bill had for its first object the promotion of religious teaching. He thought a much wider inquiry than that proposed should be instituted, and, therefore, he should move that the House resolve itself into Committee that day three months.

Amendment proposed,

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day three months, resolve itself into the said Committee,'"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR GEORGE LEWIS said, that the powers given by the Bill were necessary for its object. But if it could be shown that it could receive Amendments in Committee, the hon. Gentleman could then propose them. If the Motion succeeded the only result would be, that a practical proposition to reform the University of Durham, in the same manner as Oxford and Cambridge, would be rejected.

MR. DEEDES said, he should move that the debate be adjourned. The Bill ought to have been introduced three months ago.

MR. MOWBRAY said, he should oppose the adjournment.

MR. FENWICK said, he thought the discussion of the Bill must be a long one. He hoped the House would consent to adjourn the debate.

VISCOUNT PALMERSTON said, that practically, those who refused to continue the debate for an hour must wish the House to sit three months longer.

SIR GEORGE LEWIS said, he did not wish to continue the debate if the House consented to the Motion that the Speaker leave the Chair.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 21; Noes 116: Majority 95.

MR. FENWICK said, he would take that occasion to state that while the endowments of the University of Durham amounted at the present moment to upwards of £12,000 a year, the number of students did not exceed forty, an educational result which he could not but characterize as extremely unsatisfactory. The cause of so great a failure in that respect he attributed to the connection of the University with an ecclesiastical body. The Bishop of Durham, who had extensive duties in the administration of the affairs of his diocese to attend to, possessed the power of appointment in the case of the Professors of Divinity and Greek, the former of whom, it appeared, had an income of £4,700 a year, irrespective of the amount derived from tuitions. The question for the House to consider was how could the endowments of Durham University be made most available for the purposes of education. Some of the Commissioners named in the Bill were men of great learning and of practical wisdom, but surely the Bishop of the diocese could not be expected to strip himself of valuable patronage for the purpose of reforming the University. Unless the University were made subservient to the material interests of the district; unless it were thrown open to all classes instead of being confined to one, it would be vain to attempt passing a Bill like the present. The only effect of such a measure would be to make Durham University a bad imitation of Oxford and Cambridge, and in a few years fresh legistion would be necessary. The Bill, in short, was a sham, and in its present shape could do no good. It would be far better, in the first instance, to appoint a Commission simply to inquire and report.

Mr. MOWBRAY said, that if Durham University had proved a failure, as alleged by the hon. Member for Sunderland, that was a reason why the House should go into Committee on the present Bill. He had no doubt that a Commission of inquiry would have been acceptable to the University authorities, but the Government had come to the wise conclusion that the returns already before the House afforded sufficient grounds for immediate legislation. The hon. Member for Sunderland had greatly overstated the revenues of the University; nor was it correct to say that the cause of the failure of the University was its connection with an ecclesiastical body. It should be recollected that the University was founded by the Dean and Chapter out of their own funds. Of late years it was true that there had been a falling off in the number of students, but the University had connected itself with a distinguished medical school at Newcastle, and the students there, sixty-five in number, ought to be reckoned as belonging to the University. There was no religious test, as had been asserted, on the admission of students to that University. He hoped the House would allow the Bill to go into Committee.

Main Question put and *agreed to.*

Bill *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

House adjourned at a Quarter-after Two o'clock,

HOUSE OF LORDS,

Friday, July 19, 1861.

Minutes.] Public Bills.—1ª Removal of Irish Poor; Dublin Revising Barristers; Lunatic Asylums (Ireland) Act Continuance; County Cess (Ireland) Act Continuance; Local Government Act Amendment.

2ª Drunkenness (Ireland); Landlord and Tenant Law Amendment (Ireland) Act Proceedings; Appropriation of Seats (Sudbury and Saint Albans).

POLAND—PRINCE CZARTORYSKI.

PETITIONS. OBSERVATIONS.

Lord BROUGHAM *presented* a Petition from inhabitants of Stockport, praying for the publication of Correspondence with regard to the partition of Poland, which had passed between England, France, and other countries in 1831, 1832, and subsequent years. The petition most justly describes the partition of 1772 as the greatest of public crimes, and destructive of all public law and national rights. The crime was completed twenty years later, and the conduct held towards Poland after the treaties of 1814 and 1815, and in flagrant breach of the engagements then entered into, had increased the claims of that country to the sympathy, and, as far as possible, the support of other nations. It was impossible to utter the name of Poland without reflecting on the irreparable loss which that country had sustained since the noble Earl (the Earl of Harrowby) gave notice of the Motion standing in his name upon the paper for that evening, or without expressing the sorrow which men of all parties, even of that most adverse to Poland, must feel at the death of that great and good man Prince Czartoryski. Having known him for half a century, and been ever on the most intimate terms with him, he would venture to assert that a man of more pure character or of greater virtue, public and private, never breathed. Born to an immense fortune, he had been content of late years to live on the very moderate income which he accidentally possessed independent of the confiscation by the three Powers. In early life he occupied the highest place in the Government of Russia, and was the prime favourite at Court, but never for an hour forgot his duty or abated his affection for his native country. Afterwards he threw himself into the contest which unhappily had no good results for Poland; but he (Lord Brougham) could not help remembering that Mr. Burke pronounced a panegyric on the constitution of Poland which was established after the elective monarchy—the worst form of government in Europe—had been put an end to, and declared that it was the best and most workable of the free constitutions which had ever been established in Europe. Prince Czartoryski, when he lived in Paris, not alone upheld the spirit of Poland, but was the friend and adviser of all who bore relationship or interest to that country. In no particular was the loss of this eminent, accomplished, and virtuous man more to be lamented than on account of the sound and moderate advice which he had constantly given to Polish emigrants, counselling them always to take the course which would most benefit Poland without giving offence to the country in which they had taken refuge. The only consolation remaining to his friends was that, although at an unusually advanced age, he retained to the last his faculties unimpaired, his feelings as warm as ever, the love of his country and hopes for her restoration as strong. This closing scene affords the only consolation of his countrymen and his friends.

Viscount STRATFORD DE REDCLIFFE said, he had been requested to present two petitions on the same subject with regard to which his noble Friend had expressed himself with so much eloquence.

STATUES OF BRUNEL AND LOCKE.
QUESTION.

Lord TAUNTON rose to ask his noble Friend the Lord President, Whether it was the intention of the Government to authorize the erection of the Statutes of two late eminent Civil Engineers, Mr. Brunel and Mr. Locke, in St. Margaret's Square, close to the statue of Mr. Canning? He did not desire to disparage the services of those eminent men, or the noble profession to which they belonged, but he doubted the propriety of the juxta-position. The immediate vicinity of the Houses of Parliament might, he thought, be more appropriately reserved for those eminent men who had distinguished themselves in that or the other House, and our experience in Trafalgar Square had shown that the grouping of statues, unless it was carried out in accordance with the architecture of the surrounding buildings, was by no means generally fortunate.

Earl GRANVILLE said, he had been informed by his right hon. Friend the President of the Board of Works that he intended to reserve the side of St. Margaret's Square, facing the Houses of Parliament, for the reception of the statues of eminent statesmen; but that it was his intention to permit the statues referred to to be erected on the side facing the Institution of Civil Engineers.

Lord TAUNTON asked whether a plan or report would be laid before either House of Parliament, or whether any money Vote would be required?

Earl GRANVILLE thought that there would be no necessity for any Vote of money, but he was sure that his right hon. Friend would not carry out this plan if it was opposed to the general wish.

INDUSTRIAL SCHOOLS BILL—INDUSTRIAL SCHOOLS (SCOTLAND) BILL.
REFERRED TO A SELECT COMMITTEE.

The Earl of DERBY wished to make a suggestion which, he thought, would promote the convenience of the House and facilitate the progress of public business. There were two Bills standing upon the paper for Committees—namely, the Industrial Schools Bill and the Industrial Schools (Scotland) Bill. From their position upon the paper it was quite possible that neither of them would come on at an early hour of the evening, when they could be discussed satisfactorily. Although both Bills were for precisely similar objects, yet they were not identical as to details. He trusted, under the circumstances, that his noble Friend would see no objection to refer both measures to a Select Committee, when the details could be much better discussed, and would probably not occupy the Committee more than two or three hours of a morning.

Earl GRANVILLE acquiesced in the suggestion of the noble Earl, considering that the Bills were likely to undergo several Amendments in Committee.

Order of the Day for the House to be put into Committee, read, and *discharged;* and Bill *referred* to a Select Committee.

The Lords following were named of the Committee:—

Ld. President.
Ld. Privy Seal.
E. Derby.
E. Devon.
E. Doncaster.
E. Airlie.
E. Carnarvon.
L. Petre.
L. Rossie.
L. Portman.
L. Egerton.

ENDOWED CHAPELRIES.—QUESTION.

Viscount DUNGANNON rose—

> "To call Attention to the Cases of Endowed Chapelries to which Cure of Souls have been annexed from portions of different adjoining Parishes, under the 8th and 9th *Vict.*, c. 70, s. 9, and the 14th and 15th *Vict.*, c. 97, s. 19 and 20, where there at present exist no Means of raising any Rate for the Maintenance of the Fabric or the Services of the Church; and to inquire whether the Government contemplate introducing any short Bill for the Remedy of the same, or to refer it to the Consideration of the Ecclesiastical Commissioners?"

As an instance of the necessity for some legislation upon this subject he would state that there was in the county of Salop, in the diocese of St. Asaph, a chapel called Morton Chapel, which was erected about 130 years ago, and was endowed with lands in Warwickshire. Those lands were found to contain large quantities of minerals, and were sold for a considerable sum under an Act of Parliament, the interest of which formed the endowment of the chapel. Up to the death of the last incumbent Morton Chapel had no cure of souls annexed to it, but attached simply a burial ground. Since then a portion of the parishes of Oswestry and Llanyclwdvel had been annexed to it as a cure of souls; it had thus assumed the character of a parish church, and marriages were solemnized in it. There was, however, no provision for the maintenance of the services or the repair of the fabric. Legal opinions had been taken on the subject, and were to the effect that the parishes of Oswestry and Llanyclwdvel were responsible for those expenses. Those parishes, however, demurred, and refused to contribute. There were, no doubt, many similar cases throughout the country, and the present state of things was a source of great misunderstanding and ill-feeling. The law in such circumstances ought to be clearly and uniformly laid down in a comprehensive measure. He begged to ask the noble Lord, the President of Council, Whether the Government contemplated the introduction of any Bill on the subject, or whether they would refer the matter to the Ecclesiastical Commissioners?

EARL GRANVILLE said, that it was not the present intention of the Government to introduce any Bill for the removal of the grievances complained of by the noble Viscount. Before any steps were taken in a matter of this kind it was expedient that the Government should consult the right rev. Bench as to the best course to pursue.

POLAND.—MOTION FOR PAPERS.

THE EARL OF HARROWBY rose to move—

> "That an humble Address be presented to Her Majesty for, Copies or Extracts of all Correspondence which passed in the Years 1831 and 1832 between the Government of Great Britain and those of Russia and of other Countries on the Subject of Poland."

The noble Earl proceeded to say that the interest of England in the state of Poland, which had long slumbered, had been awakened by recent events, and people had begun to ask whether the present position of affairs in that country is such as was contemplated by the great Powers who were parties to the Treaty of Vienna. All were aware that at that time the restoration of Poland as a part of the great European system was considered as a matter of the utmost importance by the statesmen of the day. The question was not one of sentiment actuating persons who sympathized with outraged rights and nationalities; but persons who were the last to be suspected of enthusiasm—such statesmen as Lord Castlereagh and Prince Metternich—considered the Polish nation as a most important element in the European system on the practical ground that it was essential that there should be a sufficient barrier between Russia on the one hand and Germany on the other. The feeling on this subject was so intense that, as their Lordships were, no doubt, aware at one time England, France and Austria were so much alarmed at the prospect of Poland falling into the hands of Russia that they bound themselves by a treaty to declare war against Russia in order to prevent such an occurrence. It was only the arrival of Napoleon from Elba that put an end to the discussions of the Powers, and for the time suspended proceedings on the question of Poland. Afterwards, when the Powers saw that it was impossible to establish Poland as an united and independent State, they took the next best means of forming a barrier against Russian aggression by dividing the country between three of the Powers, under peculiar and stringent obligations, which were intended to prevent them from absorbing any of the territory confided to them, and to keep together the severed nationality. It was stipulated that there should be facilities for intercourse and commerce between the various parts of Poland, and provisions were also introduced for the purpose of maintaining national feeling and the enjoyment of national liberty. In one of the treaties on the subject it was specially provided that the Duchy of Warsaw which was to be made over to Russia and erected into a kingdom was to receive a representative and national constitution. The 14th Article of the General Treaty recognized the same principles. Their Lordships would see that this was not a common case of partition, but a case of partition necessitated by the circumstances of Europe, and guaranteed by the other Powers in Congress by special precautions to prevent it from having the effect of destroying Polish nationality. Looking to the provisions which were made by treaty for preserving their nationality, and securing them good government and liberal institutions, and to the assurances which were given at the time that those provisions should be observed, the present condition of Poland could not be the natural and intended result of such a treaty. It might well be asked—where was the constitution? where were the restriction of appointments to natives, the freedom of commerce and navigation, the enjoyment of political liberty and representation which were guaranteed, and upon the faith of which Europe handed over to those Powers their several portions of Poland? The grievances under which the Poles had suffered were inconsistent with the conditions made on their behalf in the Congress of Vienna, and might well excuse or even justify the insurrection of 1830 and 1831. The breaches of engagement of which their rulers had been guilty deprived them of any right to make the insurrection a ground for depriving the Poles of their stipulated liberties, and he, moreover, maintained that the engagements of Vienna was not between the Poles and Russia, so much as between Russia and all the Powers of Europe. The preservation of those liberties was not only an object of interest to the Poles themselves, but of European importance; and, in 1831, when Russia pleaded the insurrection as a discharge from the solemn compact which had been made, England, through her Government, as he had reason to believe, held the same language which he was using now, and said that the guarantees were not to the Poles alone but to Europe, and that Russia was still under obligation to fulfil them. The petitions which he had presented was one evidence of that sympathy that the English people were accustomed to express with any people who were suffering oppression. The burst of national feeling could never be forgotten when the people of this country saw that there was a prospect of the Italians achieving their liberty, even though in the pursuit of it they had to overthrow treaties, instead of appealing to treaties in their behalf. But in the case of Poland these sympathies were not only excited on behalf of a free nation struggling for its natural rights, but they were additionally excited because liberties, which were the natural rights of all men, had been specially chartered to the Poles by Europe, and were, in fact, the title deeds by which alone the country was held in subjection. Poland was not held in subjection by the consent of the inhabitants, or by conquest, or by ancient inheritance, but by treaty; and by treaty alone all other rights were superseded, were abrogated by that transaction. The conditions of that treaty had been violated. All title to continued possession had been fortified. The only remaining title—if title that could be called—was the sword of the stronger. The correspondence which he called for was that which had taken place on the subject of the effect which the insurrection of 1831 had or ought to have upon the rights guaranteed by that treaty to Poland. He did not wish to call upon the English Government to renew the protest which he had reason to believe had then been made against the doctrine advanced by Russia, that these rights had been forfeited by the insurrection. But he wished that that protest should now be placed on public record, which it had not been at the time, and that the Russian Government, which had of late shown no inconsiderable sensitiveness to the action of public opinion, and a desire to earn a character for itself among the civilized nations of the West, should have an opportunity of learning by the expression of feeling from Members of your Lordships' House the right in which their proceedings in regard to Poland was looked upon by those whom that Government could not but esteem as no mean exponents of the general sentiment. He could not but hope for some good to arise from such an opportunity. The Russian Government would see that these sentiments were entertained not merely by men whom it could afford to treat as revolutionists and enthusiasts, but by experienced statesmen, who felt no interest in revolutions, who were no enthusiasts for nationalities, but who had regard for the common interests of humanity, for the maintenance of treaties, and the stability of the European system. He could not but hope for the expression of such opinions for at least some mitigation of the present tyranny. For himself he should, whatever his interest in the subject might be, have, perhaps, hardly broken through the rule still impressed upon him by prudence against taking a part in their Lordships' discussions, but in his desire to gratify the dying wishes of that distinguished man, that venerable patriot, Prince Czartoryski, who had, indeed, since the notice of this Motion had been given, closed a life far protracted beyond the ordinary limits of human existence, a life of the greatest private virtue, of the highest devotion to his country's service, which even the historic rolls of Poland can display, leaving behind him a name upon which the enemies of his country could never affix a stain, but which would remain as a standard, and he (Lord Harrowby) hoped a model, by its moderation as well as by its constancy, to his admiring countrymen. If his spirit be still conscious of human transactions it will be soothed and gratified by their Lordships' interest in the welfare of his country. The noble Earl concluded by moving for the papers.

Lord WODEHOUSE said, that nothing could be more natural than that the noble Earl, who had always taken an interest in the Polish people, should have brought this subject before their Lordships, particularly at this moment, when the attention of Europe had been especially directed to Poland by the events which had lately taken place at Warsaw. Though he could not add anything to the statement of the opinions of the Government which had been made in "another place," he felt personally extremely glad to have the opportunity of saying a few words on a subject in which he took a great interest. The destiny of Poland must always be a matter of interest to all Europe, not merely on account of the sympathy excited by her misfortunes and the gallant efforts of her people to recover their independence; but, also, because it was intimately connected with considerations of the greatest importance to the welfare of Europe. The extinction of Poland as an independent Power had perhaps had a greater effect on the general position of the European nations than any other event which had taken place in modern times. On the position of Germany, in particular, it had had a very great effect; because, as any one would immediately perceive by looking at a map, that portion—by far the greatest portion of Poland—which was in the position of Russia, lay like a wedge between the two great German Powers, and what would otherwise have been an outwork of Germany and a bulwark to Western civilization had become an outwork of Russia and a dangerous menace to Germany. This danger was increased by the construction of a system of fortresses in Russian Poland, which in strength and extent was only equalled by the famous Quadrilateral. Practically speaking, he could not but feel that we must regard the resuscitation of Polish independence as impossible, because, whatever might be in store for that nation in future times, at present this was not a question of practical politics. Poland was divided among three very strong States, and whatever efforts the Poles might make to recover their liberty they could scarcely be expected to succeed against such overwhelming force as might be brought against them. For this reason it was a matter of great congratulation to those who felt an interest in Poland to remark the calmness and moderation shown to the Poles during the late events at Warsaw. Their attitude, while it showed that the whole patriotic spirit was yet alive, and as strong as ever, also proved that the events of past years had not failed to teach them political wisdom. He could not help thinking that there was some reason to hope for a better day for Poland from the events which were taking place in Russia itself. His period of service in that country had naturally led him to pay special attention to what was taking place, and it was only due to the Emperor of Russia to say that the measures which he had adopted, and which were likely to lead to a new era in that country, proceeded primarily and principally from himself. The great measure of the emancipation of the serfs—a change in those relations which lay at the bottom of the whole social system of Russia—could not fail to produce great results hereafter. As more liberal ideas spread themselves through that country—and that such would be the case no intelligent Russian would deny—the Russians themselves would find it would be for their interest to allow the Poles greater freedom of action, and to give them those institutions to which they were undoubtedly entitled under the Treaty of Vienna—as the noble Earl would see the English Government maintained in the correspondence to which he had referred, and which there would be no objection to produce as regarded Russia, the other countries being omitted as in the papers moved for in the House of Commons. The vital importance of the Polish question to Russia had, perhaps, scarcely been sufficiently estimated, for we were apt to look upon Poland as merely what was known as the Kingdom of Poland, whereas the Polish provinces belonging to Russia constituted a very large and important part of the Russian Empire. Any one looking at the map would see that if Russia were to part with all the Polish provinces belonging to her she would be reduced to a position of great inferiority in the European system. The old Polish feeling existed—as he had been told by Russians themselves — not merely in Poland, but in those provinces of Russia which had formerly been Polish. While this must make any Russian statesman careful in dealing with this question, no doubt it would be found, when the time came for the Poles to receive those institutions to which they were entitled, that occupying so large a space of territory they would have a great influence on the destinies of the whole empire. Then, though there might be no practical possibility of the restoration of the independence of Poland—a consummation which Russian statesmen would naturally do their best to prevent—yet the day might come when Russian statesmen would find in the Poles themselves a great aid in the increase of civilization, and in the establishment of institutions more in conformity with the general system of Western nations. The question as regarded that portion of Poland which belonged to Prussia was very much affected by the number of Germans in those provinces. He had been told that the increase of the German population in these provinces had been much more rapid since 1815 than that of the Polish population, and that the Germans, including the Jews, were not far from equal to the whole Polish population. He had not the slightest fear that the discussion raised by the noble Earl would lead to any inconvience; on the contrary, such discussions would do good, as showing that, while there was no wish to disturb existing arrangements, we still felt that interest and sympathy for the Poles which their position must naturally excite.

THE EARL OF ELLENBOROUGH: My Lords, it is but natural that the noble Earl, who for so long a time has taken so deep an interest in the condition of Poland, should have availed himself of this opportunity of bringing the subject under your Lordships' consideration, and it is a matter of much satisfaction to me that your Lordships should have an opportunity of expressing your opinions upon the question.

Undoubtedly the present position of affairs in what was once the Duchy of Warsaw is one of deep interest, and likely to affect materially the state of Europe. I have always entertained—as, indeed, I apprehend all those who have the least regard for freedom must entertain—a very strong sympathy with the people of Poland. They have been suffering now for a period of sixty-five years under the wrong inflicted upon their ancestors, and during the whole of that time they have shown grandeur of mind under great adversity. They have at all times under their misfortunes maintained the dignity of their national character. They have made themselves respected even by those who trod them under foot, and, above all, on all occasions, on every field and in every service to which they have been drawn, either by voluntary disposition or compelled by force, they have maintained and extended their military reputation, and have placed it on a par with that of any nation in the world. It is impossible not to respect so great and noble a people. It is to me a subject of astonishment that every Sovereign of Russia should not have laid himself out in endeavours to conciliate them, that he should not have esteemed it amongst his highest privileges to draw his sword at the head of their noble chivalry.

I speak not merely as the friend of the Poles, but as the friend of Russia. I discard from my mind altogether the memory of our recent misunderstanding. I look only to that long friendship, now happily re-established, which has prevailed between Russia and England for so many years to their mutual advantage. I am old enough, unfortunately, to recollect as if it were yesterday the invasion of Russia by the French in 1812. I recollect the noble self-devotion with which the Russians repelled the invasion of their territory, and the great service which they performed to Europe in the re-establishment of the liberty of nations. I entertain personally for the Emperor, as we all must, the greatest respect, when I consider that he has bestowed upon his people the greatest boon which is recorded in history as bestowed upon subjects by their Sovereign, and I cannot but entertain the hope that the Sovereign who has shown such benevolence for slaves will not be insensible to the claims which freemen have upon his consideration.

My Lords, the situation of Russia at the present moment is one calculated, I think, to excite anxiety in the mind of every statesman who takes a fair view of the state of Europe. The opposition to the Russian Government, unaccompanied though it may be by violence, which now exists in Poland practically prevents the forward action of Russia—prevents her advance under any circumstances beyond the Vistula—and would make it extremely difficult for her, if attacked, to maintain her position upon that river; while all the country behind her would be in flames and occupied by a hostile force. Practically the action of Russia in Central Europe is paralyzed by her position in reference to Poland. Such a state of things cannot exist without causing very great anxiety. The balance of power in Europe is so extremely delicate that no one of the great States can be temporarily disabled without affecting the position of all. We may view with jealousy the power of France, and perhaps distrust her policy; but if at any time, owing to any unfortunate circumstances, by means of civil commotion and internal disturbances, the action or influence of France were temporarily paralyzed, the injury which would result to the several States of Europe would be greater than any which might be expected to be derived from her aggression in the pursuit of her ambition.

My Lords, in what manner can Russia re-establish her position and again obtain the means of action? I know no mode in which that can be accomplished save by a frank reconciliation with the Polish people. Nor will I despair of that happy result being attained. I do not despair of it when I look to history and see that great States have had similar dependencies, and have maintained, with mutual satisfaction and advantage, the connection existing between them. I see that in distant times Naples, Lombardy, and Flanders gave their troops, their Generals, their most cordial co-operation, and their most devoted loyalty to the Emperor Charles V. And why? Because they enjoyed self-government — because they were happy under his administration—because he loved them as he loved the rest of his subjects—and because when he went among them he appeared as one of themselves. I see that at a more recent period the Hungarians, not only during the early times of Maria Teresa, but down to a late date, supported with devotion the House of Hapsburgh. Why? Because they, too, had then a separate self-government, and their position was rather that of an allied State than of a dependency. The Hungarians contributed to Austria for offensive operations 66,000 men, whose expenses they defrayed. Further assistance was always forthcoming in case of need, and when the enemy approached the frontiers of Hungary every man rushed to arms. Again, I see in the history of this country that the English Sovereigns of Hanover, though generally absent from that kingdom, and though absent altogether during the last sixty years of their reign, could always count on the loyalty of the people, because Hanover was well governed and was treated as an independent country.

I cannot but think that the application of the same principles to the connection between Russia and Poland would produce the same results. Nations do not change their character—individuals may; and it is the change in the character of individuals which, I fear, has effected the difference in the Government of these countries, and has produced the present feelings of the Poles, so different from those existing in the other countries I have mentioned towards their Sovereigns. I do trust, however, that the time will come when Russia will desire to act in a totally different spirit, and that when so acting her advances will be frankly received by the Poles.

We know that the Romans always considered that their most powerful enemies were those who became their best allies, and why? because those enemies when subdued were well treated. It would be well that Russia should remember this in her treatment of the Poles. Nor let her suppose that a poor people must on account of their poverty be easily kept quiet. It is quite the reverse. There is no position more perilous than that of a Sovereign in the midst of a people which has nothing left to lose but its honour. Poverty is always dangerous. Poverty always desires a change. Poverty conspires. Wealth is quiet. Wealth never conspires. Wealth only requires that things should continue as they are, and that it should retain the advantages which it possesses; and if Russia gives to Poland self-government and the wealth which follows it, I cannot but hope that perfect tranquillity will reign there.

My Lords, I have said that I hope there will be on the part of the Emperor of Russia a frank offer of friendship to the Polish people. I am sure that in no other manner is it possible for his authority to be re-established amongst them. Generosity emanating from superior power is of all qualities the most influential in the government of a subject people, and never could generosity have a greater effect than when displayed towards this, one of the bravest and most generous of nations.

In the event of conciliatory propositions being made to the People of Poland, I do trust that they will be received in the spirit in which they are made. The Poles must bear in mind that that which they desire, and which we, too, may desire—the re-establishment of the Polish monarchy,—is an object which it is impossible to attain otherwise than through the disruption of all the States of Europe. A disruption of that character more than fifty years ago brought the first Napoleon to the Vistula. He held out promises to the Poles. He used them. He drew from them their hearts' blood. And he deceived them. Do they hope that under any circumstances which may convulse Europe the France of the present day would act with greater candour and with greater fidelity than the Napoleon who then behaved so faithlessly?

Had I the opportunity of approaching the Emperor of Russia I should most earnestly counsel him to adopt a policy of clemency and generosity towards the Poles. I should with equal earnestness entreat the Polish people to meet his advances frankly and fairly. But I would caution both that, in whatever engagements may take place between them, the most absolute fidelity must be observed by both. Insincerity is the one crime which can never be forgiven in a Sovereign. Ingratitude in a people is a crime of no less magnitude—it is one which, committed by the Poles, would deprive them of all the sympathy which they now possess throughout Europe.

The Earl of MALMESBURY: My Lords, although I feel the disadvantage under which every one must labour who follows the noble Earl, I cannot help saying a few words on this subject, even if their only effect is to show your Lordships that the feeling which has been evinced in favour of the Poles on the other side of the House is equally sincere on this. Having been for some time concerned in the management of foreign affairs, I should have thought I was hardly discharging my duty if I were not to say how entirely I concur with what has been said on the other side of the House, and more especially with the valuable advice which has just been given by the noble Earl. With regard to the Poles, I would say that, although this is a moment in which they may be grieved, it is not one in which they need be disheartened. I would ask them to consider fairly and generously in what a different position they now stand as compared with their position seven or eight years ago. Then they had an absolute Sovereign, whose only idea of maintaining his power was to curb the liberties of his people by the employment of military force. They are now ruled by an Emperor who has done great things for the promotion of liberty—greater than have been attempted by any contemporary Sovereign. Sufficient justice has hardly been done by the public to the Emperor of Russia for the great boon which he has conferred, or is in the course of conferring, to his empire by the liberation of the serfs. It is impossible to suppose that such a man has not a sense of the advantages of a milder system. And, indeed, I have information on which I believe I may entirely rely, that such are the sentiments of the Emperor of Russia. And he has near him men, in whom he himself places confidence, who are urging him to take the very course on which your Lordships have to-night expressed your opinion. But, as a matter of course, like every other Sovereign in his position, he has also advisers who urge him in the contrary direction. Still, when we know the natural turn of his own mind, and know that some of the most influential councillors around him are disposed to give him the only advice that can tend to strengthen his throne, I think the time is not far removed when a milder rule will be adopted in that country. I should be sorry if anything should be said in this or the other House of Parliament—and nothing has been said—that could encourage the Poles to take a course fatal to their own welfare. There are parties among them who look on the subject in different ways. There is the moderate party, the leader of which was that most respected nobleman Prince Czartoryski, who has just died at Paris, who look only at the improvement of the condition of Poland under the sovereignty of Russia; there is another party whose patriotism goes to the extent of wishing to re-establish an impossible monarchy—a monarchy which was crushed out of existence seventy years ago. But in neither House of Parliament, as far as I have observed what has passed in "another place," has anything been said to encourage any section of the Poles to attempt impossibilities that can only result in bringing them under a more stringent tyranny than that to which they are at present subjected. But there is one thing that no statesman in this country need be afraid boldly to state. It is, that the present rule of the Polish nation is a breach of the Treaty of Vienna. No one can deny, though some may excuse it. But I cannot accept the excuses, because I believe the Polish rebellion of 1830 and 1831 was entirely the result of the most flagrant violation of that treaty, carried out in a most cruel and inexcusable manner. Therefore, while I say nothing can excuse the breach of that treaty by the Emperor Nicholas, neither can anything excuse the present Emperor for continuing to violate it by imposing on the Poles a rule from which the Treaty of Vienna protects them. But I would entreat them to consider at this moment only how they can obtain what that treaty promised them—how they can obtain a constitutional Government such as their fellow-countrymen possess in Prussia, and at once to dismiss from their minds any dreams of reconstructing the Polish monarchy. The attempt would convulse Europe, and could only end in retarding still longer the attainment of those liberties to which they are justly entitled.

The Marquess of BREADALBANE was surprised the noble Earl (the Earl of Ellenborough) should have expressed the sentiment that "wealth never conspires." Was there ever manifested to the world a greater conspiracy of wealth and power than the spoliation of Poland? Was there ever a greater crime committed by power against right than had been committed against that unfortunate country? He believed that wealth conspired as well as poverty; and he should be sorry if, on this occasion, he did not protest in his place in that House against the great political crime of which Poland had been made the victim.

Viscount STRATFORD DE REDCLIFFE said, that he entirely courred in the opinion which had been expressed upon this subject by those noble Lords who had preceded him, and it was not his intention to go at any length over the ground which they had traversed; but having from an early period of his public life felt an interest in this question, he should be sorry to allow the discussion to close without expressing his sentiments. Everybody who was interested in the subject must have been gratified to find that justice had been done on both sides of the House to the character of the Polish nation, and more particularly to the character of that illustrious man who had lately been taken away from the world after a life spent in devotion to the interests of his country under the most adverse circumstances. He had himself had an opportunity in the course of last year of conversing with that illustrious Prince, and all that he had heard from him convinced him of the justice of the view which had been taken of his character and conduct in the course of that discussion. He was very glad to hear his noble Friend opposite (the Earl of Malmesbury) state frankly and fairly his opinion with regard to the breach of the Treaty of Vienna. He believed no one could look at that treaty and compare with its provisions the conduct which had since been pursued towards Poland without feeling that a very serious violation of public law had been effected by the events of 1834, and that those who had been immediately concerned in that transaction owed more to the forbearance of Europe than to the justice and moderation of their own conduct. One result was, that that small but interesting city (Cracow) which was the last refuge of the nationality of Poland, and which the treaty guaranteed should have a free and independent constitution, had become a part of the Austrian Empire. He should say that if the convenience of nations, if the interests of this country and the prudence of the British Parliament, did not permit our taking a more serious notice of those questions, and impose upon us the necessity of adopting corresponding measures, it was, at least, a satisfaction to know that the voice of Europe could be heard in the British Parliament, and that those who had so far succeeded in carrying out their ambitious designs had, at all events, to encounter the reprobation of the British Parliament—a body which more than any other in Europe was entitled to express the opinion of England and of the civilized world.

Lord TALBOT DE MALAHIDE said, that with what had been said in favour of the rights of Poland he entirely agreed; but he thought some points in the condition of that country had been omitted by the previous speakers. One of the greatest grievances under which the Poles at present suffered had not been at all alluded to—it was the great religious grievance. He had been assured that at the present moment there were nearly 5,000,000 Poles who had been forced to abjure their religion, and adopt—of course, only in appearance—the Greek form of worship. Statesmen must be ill observers of the feeling of the present time if they expected to produce a reformation of public opinion by such means as this. He had also heard that within the last few years there had been attempts to convert all Jewish children to the Christian faith; hundreds and thousands of children had been carried away by force to be baptized and educated in the principles of the Greek Church. Their Lordships had heard a great deal of the Mortara case—a case which, indeed, fully called for their sympathies—many of the Governments of Europe interfered in that case—he should like to know whether the Emperor of Russia interfered also—but for that one instance of this greatest grievance there were hundreds, if not thousands, in Poland. Every one must feel deep sympathy in the great experiment that was now taking place in Russia—one of the most arduous, dangerous, but beneficial changes ever contemplated. He could not suppose that there was any idea of stifling the aspirations of Russian Poland for the acquisition of representative institutions. While wishing well to the Emperor of Russia in the great experiment he was now making, they could not but feel that he would derive the greatest assistance in carrying it to a successful result from having the support of those Polish provinces where serfage had been abolished since 1791. He trusted that they should not hear of papers being circulated by the police among the Polish peasants urging them to rise against their landlords, for such a course would lead to the greatest danger, not only to Russia but also to Europe. Such a *ruse* had been practised before with the most fatal results. Apprehensions had frequently been felt at the danger that would arise to Europe from a too powerful despotic monarch, but dangers would also arise from an extended system of *jacquerie* such as they were told had arisen in some Russian provinces. If the Polish provinces were well organized and fairly treated they would feel no sympathy with such a movement, but they would act as a great breakwater to preserve Europe from the flood of dangers arising from the domination of an ignorant and savage peasantry. He was gratified to find on both sides of the House so unanimous a feeling of sympathy with the just claims of Poland.

THE EARL OF HARROWBY said, he would adopt the suggestion of the noble Lord the Under Secretary of State for Foreign Affairs, and confine his Motion to the Correspondence between Great Britain and Russia.

Address for Papers, &c., *agreed to.*

TRAMWAYS (IRELAND) ACT AMENDMENT BILL.—COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

Moved, That the House do now resolve itself into a Committee on the said Bill.

THE MARQUESS OF CLANRICARDE expressed a hope that the opposition which had been threatened on a former occasion would not be persevered in. He had received various communications from different parts of Ireland, urging the importance of such a measure, and the benefits which it was calculated to confer. It was alleged that the Bill did not contain proper securities as regarded property; but the fact was that under it securities greater than those affecting railway legislation were given, as landowners who might be unwilling or unable to incur the cost of a Parliamentary Opposition would find a sympathizing tribunal in a grand jury, while the whole expense of opposition, including an ultimate appeal to the Privy Council, would not necessitate one twentieth part of the outlay indispensable to attendance before a Parliamentary Committee. The resolution which had been come to to omit a clause in the Bill giving the power to take land would do great injury to the agricultural interest, by preventing the construction of tramways in localities where they would be of advantage to the cultivators of land. Out of that House he had not heard a single objection to the Bill, and he, therefore, recommended their Lordships to reconsider the decision which they had come to.

VISCOUNT DE VESCI objected to the measure because it had the effect of diminishing the securities contained in the Bill of last year. If the scheme for a tramway happened to enlist the support of the High Sheriff, by whom grand juries were convened, it might be passed in spite of remonstrances and arguments, however reasonable.

LORD REDESDALE said, that the clause which the noble Marquess complained had been struck out on a former occasion was a clause which enabled parties to take land by compulsion anywhere they pleased, instead of being subject to the limits provided in the former Act. The limitation was inserted in the former Act upon this principle, that if land was allowed to be taken anywhere through the medium of grand juries for tramways, why should not the same principle be applied in the case of railways—a far preferable and much more important mode of communication? He did not say that Parliament was the best tribunal for railway companies to go to in order to obtain the powers required for the making of their lines, and he should be glad if a better could be found; but, what he contended was that they ought not to give in a Bill like this powers which were denied for other and more desirable purposes. He considered that the provisions of the Bill were opposed to the interest of the country and objectionable in every respect, but he hoped that alterations might be suggested which would make it a working measure.

THE EARL OF LUCAN hoped that in legislating for Ireland in this matter their Lordships would act upon the same principles that they acted upon in regard to England, and if they did that, he felt confident that the greater part, if not the whole, of these clauses would be materially altered.

VISCOUNT LIFFORD thought that the institution of turnpike roads might have been opposed 200 or 300 years ago upon the same ground as this Bill was now opposed, and he hoped that their Lordships would not object to allow of the formation of a few tramways in Ireland. The Bill asked no more than the same power for making tramways as was given to grand juries for the making of ordinary roads.

THE MARQUESS OF BATH said, it appeared to him that this was a cheap way to obtain a railway. He should not oppose going into Committee, but he hoped that their Lordships would seriously consider the provisions of the measure.

THE EARL OF WICKLOW said, though the Bill was intended to give power to make tramways, nevertheless, it provided that in the event of any person having a *locus standi*, coming to Parliament against a particular tramway, it would be necessary to have a special Act of Parliament ot establish such tramway. He did not think there was any objectionable feature in the Bill.

Motion *agreed to.*

House in Committee accordingly.

Clause 1 *agreed to.*

Clause 2 (One Approval by Grand Jury to be sufficient),

THE EARL OF LUCAN moved the omission of the clause, as it did not give the securities which he deemed requisite.

On Question, whether the said Clause shall stand part of the Bill?

Their Lordships *divided:* — Contents 20; Not-Contents 16: Majority 4.

Clause *agreed to.*

Clauses 3 to 6 *agreed to.*

Clause 7 (Inquiry before Board of Works to be confined to Engineering Questions),

VISCOUNT DE VESCI moved the rejection of the clause, on the ground that it limited the inquiry to the Board of Works, instead of carrying it before jurors.

On Question, whether the said clause shall stand part of the Bill?

Their Lordships *divided:*—Contents 24; Not-Contents 14: Majority 10.

Lord Redesdale

Clause *agreed to.*

Clause 8 *struck out.*

Further Amendments made.

The Report of the Amendments to be received on *Monday* next.

TRAMWAYS (SCOTLAND) BILL.
COMMITTEE.

House in Committee (according to Order).

THE MARQUESS OF BATH wished to draw attention to the difference between this and the last Bill. The present was wholly permissive, and did not contain a single clause giving power to take land.

VISCOUNT DUNGANNON was also struck with the contrast between the two measures. The Irish one he regarded as a most injurious and, indeed, iniquitous Bill.

Amendments made; the Report thereof to be received on *Tuesday* next.

COUNTY SURVEYORS, &c., (IRELAND) BILL.—COMMITTEE.

House in Committee (according to Order).

Clause 6 (Grand Jury may, on Increase of Salary to County Surveyor, require that he shall not engage in private Practice),

VISCOUNT LIFFORD suggested that the words "having his usual residence in such county," ought to be inserted.

THE EARL OF ST. GERMANS said, that he had consulted with his right hon. Friend the Chief Secretary on this point, and that it was not considered necessary to insert such a provision.

THE EARL OF BELMORE: I wish to call the attention of the noble Earl opposite (the Earl of St. Germans) to one point in this clause. The clause provides that in case a grand jury shall have decided to increase the salary of a county surveyor, they may stipulate that he shall not engage in any private professional practice. Now, with regard to private practice, I do not wish to say anything; but I think it very undesirable that a county surveyor should, as happened in case which came under my own notice, attach himself as engineer to a railway running through the county, and thus bring the duties which devolve on him, as relating to the public roads, to clash with other duties relating to the railway which crosses those roads.

THE EARL OF ST. GERMANS: If the noble Earl will look into the Bill he will find that the grand jury are enabled for the future to make any stipulation they may think necessary with the county surveyor.

The Earl of **BELMORE**: Yes, if they have decided on increasing his salary.

The Earl of **ST. GERMANS** said, that the Bill provided that an increase of pay, or on the occasion of any future appointment of a county surveyor, the grand jury would be empowered to fix the amount of his salary and make any conditions with him they pleased.

Viscount **DUNGANNON** was understood to say that he was able to state that county surveyors did largely engage in private professional practice, both in connection with railways and otherwise.

Amendments made; the Report thereof to be received on *Tuesday* next.

House adjourned at Half-past Eight o'clock till Monday next, Twelve o'clock.

HOUSE OF COMMONS,

Friday, July 19, 1861.

Minutes.] New Writ Issued.—For Selkirkshire, *v.* Allen Elliott Lockhart, esquire, Chiltern Hundreds.

Public Bill.—2° Pensions (British Forces), India.

INLAND REVENUE BILL.

COMMITTEE.

Order for Committee read.

Mr. **P. W. MARTIN** moved, as an Instruction to the Committee, that they should have power to divide the Bill into two or more Bills.

Mr. **NEWDEGATE** said, he considered the Bill to be a sequel to the Supply Bill; and on a former occasion he objected to the Supply Bill because it embodied in one Bill provisions relating to the income tax, to the Customs, and to the Excise. He then endeavoured to show that the intent with which that Bill was framed was ostensibly to annul the power of the House of Lords to deal with taxation, although their assent to taxation was necessary to give it the form of law. But another consequence arose from that Bill, that the opportunities for an expression of the opinion of the House of Commons, and also for discussion, were greatly curtailed. He also endeavoured to show the House that according to ordinary practice the Bill ought to have been divided into three Bills, and that the fact of its not being so divided rendered it impossible for the House to discuss sufficiently the principle involved in the changes under the several heads of taxation, and, therefore, limited the opportunity for discussion and consideration in Supply. Now, the House would observe why the Bill before them was the sequel to that Bill. One objection to a Consolidated Supply Bill was that if the whole of the propositions relating to extensive changes were included in one Bill, it would run to such an enormous length that the House would have considerable difficulty in dealing with it, besides which it would attract an amount of attention out of doors which he did not think the Chancellor of the Exchequer would find to increase the popularity of the measure. What had the right hon. Gentleman done? In his Consolidated Supply Bill, he pursued a course, equivalent in every respect to the old practice of "tacking," in order to conceal the inconvenience thus inflicted upon the House, he forced through the several principles of the changes he proposed in taxation in his Supply Bill, but it was desirable to lighten his craft, and, therefore, he reserved for the Bill under consideration the details which were necessary to give effect to the taxation decided upon in the Supply Bill previously in the Session. Direct taxation was necessarily odious in its character; but the odium did not become so apparent until they began to deal with its incidence and enforce it. It was, therefore, a very prudent and ingenious measure to induce the House hastily to adopt the substance of his proposals, leaving it to the fag-end of the Session, when the House was wearied, and public attention flagged, to require legislative means for the imposition of those taxes, for the decision of their incidence, and for the resort to those means of coercion and inquisitorial interference which were the necessary characteristics of that form of taxation. The old form of Parliamentary proceedings was to treat each alteration of taxation by itself. But the right hon. Gentleman had adopted the mode of leaving to the fag-end of the Session the consideration of the means for enforcing taxation. The Bill was one mass of vexatious detail; and he did not believe that many of those provisions were necessary, for the taxation could be collected as the law now stood. He hoped the House would enter its protest against further proceeding with the Bill. The greater portion of it might be conveniently postponed till another Session, when it might be considered in Committee as a preliminary step. The Bill was the second financial statement of the Session, and its provisions ought to be carefully considered. The Motion before the House was for the division of the Bill. He would be glad to hear what objection could be urged against that proposition. There might be a necessity for some of the clauses. He denied, however, that there was a necessity for all of them; and he objected to going, in the dog-days, into the details of a Bill which were not absolutely necessary, and which could be advantageously considered in another Session. What were the provisions of the Bill? There was, first, a relaxation of duties on the sale of foreign wines, a relaxation far greater than that proposed with regard to the sale of home-brewed beer. Indeed, the provisions with respect to the beer-houses not selling foreign wines were almost wholly restrictive. There was a vexatious clause imposing a penalty in the form of liability on the part of a successor to pay duty on property which had ceased to exist. Then, all the summary powers which existed for the collection of revenue under the Excise Laws, and which had been adopted to prevent smuggling, had been extended to the collection of Inland Revenue. Then there was a proposal to compel joint-stock companies, under a penalty, to make a return of their servants receiving wages rendering them liable to income tax; but there were firms employing a far larger number of hands than public companies, who would be exempted for no valid reason of the principle of rendering the employer liable was justifiable. Taking the Bill from first to last, it was one which, being a sequel to the Supply Bill, contained provisions which ought to have accompanied the change in the imposition of taxation, and to have been then decided upon, if intended at all. He for one wished to hear from the Government which of the provisions of the Bill were in their opinion absolutely necessary, and he hoped to find the House prepared at that period of the Session to reject the rest; and if no part was necessary, then that the House would refuse to proceed with a Bill so objectionable.

The CHANCELLOR of the EXCHEQUER said, that at the proper time he was prepared to show that the hon. Gentleman (Mr. Newdegate) had misunderstood the Bill, and, therefore, entirely misrepresented it. The proposal of his hon. Friend (Mr. W. Martin) he thought a reasonable one; and he begged to thank the hon. Member for the Tower Hamlets for having pointed out the subject by a notice which he had given. They (the Government) had included what might be called a police provision in a revenue Bill. That was according to precedent; but as the matter had been pointed out, he thought it would be advisable to separate the two matters. He, therefore, was willing to assent to the proposal to divide the Bill.

Mr. HADFIELD said, he had been urged most strongly by a most excellent society to give every opposition to a clause in the Bill relating to beerhouses, by which the floodgates of vice and immorality would be opened for the purpose of replenishing Her Majesty's Exchequer. He questioned the propriety of introducing a Bill to alter the law with so short a notice, and he hoped the right hon. Gentleman the Chancellor of the Exchequer would withdraw the objectionable clause to which he called his attention. If not, he (Mr. Hadfield) would move that the Bill be committed that day three months.

Mr. W. E. FORSTER observed that he fully agreed with the hon. Member for Sheffield in his view of the clause.

Colonel FRENCH said, that the right hon. Gentleman the Chancellor of the Exchequer seemed to approve of the proposition of the hon. Member for Rochester (Mr. W. Martin); what was the reason, then, that the right hon. Gentleman had not himself made the proposal?

Mr. BRISTOW said, that the discussion as to the clause was a mere collaterial issue raised by the hon. Member for Sheffield as to whether a particular clause should be part of the Bill.

Mr. HENLEY said, that the Motion before the House was as to dividing the Bill into two Bills or more. He wanted to know whether it was only with regard to one particular clause that the Chancellor of the Exchequer had consented to divide the Bill? He (Mr. Henley) thought that the clauses with regard to the probate and succession duty were so important that they ought to be made the subject of a separate Bill.

The CHANCELLOR of the EXCHEQUER said, he would at once accede to the suggestion of the right hon. Gentleman, and consent to give up the clauses relating to the Probate and Succession Duties, with the view of forming them into a separate Bill.

Mr. HUBBARD said, that he also had objections to offer. The income tax was an exceedingly complicated subject, and it would be unfair to the community to conceal any legislation with respect to it under the title of an Inland Revenue Bill. There was a Committee sitting upon the income tax, and, therefore, he considered it premature to propose to make any changes with respect to it at the present moment.

MR. W. WILLIAMS said, that an appeal had been made to him against the 43rd Clause, which compelled employers to make a return of all persons in their employment who were liable to income tax. That was felt to be very objectionable, and he hoped it would receive the consideration of the right hon. Gentleman.

SIR JAMES FERGUSSON said, the Bill gave the income-tax screw another and a tighter turn. The 43rd Clause compelled public companies to give returns not only of the salaries their servants had received, but to give notice of salaries that might be advanced in the course of the year for good conduct, thus calling upon them to exercise the gift of prescience.

THE CHANCELLOR OF THE EXCHEQUER said, he wished to say that he did not think it right at that period of the Session to introduce novelties in legislation for the discussion of Parliament. The Bill, however, contained chiefly clauses of mitigation and relaxation, and certain administrative regulations for the correction of errors and the prevention of abuses and evasions, and, therefore, he thought the Bill ought to receive the consideration of the House. With regard to the 43rd Clause, to which the hon. Gentleman had just referred, he might state that clause contained no new principle, for it was already in force in regard to large classes of persons; but, as the clause would apply the principle to a new class of individuals, he had no wish to press it upon the House, and would agree to withdraw it. He hoped the hon. Member for King's County (who had a notice on the paper to commit the Bill that day three months) would be content with the discussion that had taken place, and not press his Motion.

Instruction to the Committee on the Inland Revenue Bill, that they have power to divide the Bill into two or more Bills.

Motion made and Question proposed "That Mr. Speaker do now leave the Chair."

MR. HENNESSY said, he would move that the House do, on that day three months, resolve itself into a Committee. On the 19th July a proposition was made to alter the law in relation to twenty-eight distinct articles of taxation, by an Act which might and ought to have been brought in in the middle of February. Methylated spirits were for the first time to be subjected to duty. There were clauses relating to beerhouses, refreshment-houses, wine licences, beerhouses in Scotland, sale of beer and spirits at fairs and races, racehorses, horses conveying prisoners, game dealers, illicit distillation in Ireland, distillation and rectification of spirits and vinegars, rectifying sugar, stamp duties, adhesive stamp, insurances, bills of sale, succession duties, probate duties, land tax, and summary proceedings for the recovery of penalties. In all there were twenty-eight separate propositions, all of great importance, which might fairly have been introduced into as many Bills. Besides, the right hon. Gentleman the Chancellor of the Exchequer was about to modify the Tippling Act, which he thought was operating materially to diminish drunkenness. The second reading was taken without discussion; and the House was now called on to go into all these important subjects at the fag-end of the Session. Why, also, did the right hon. Gentleman wish to make the wine licence cheaper than the beer licence?

Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee"—instead thereof.

THE CHANCELLOR OF THE EXCHEQUER said, he could not help noticing the inconvenient course taken by hon. Gentlemen opposite. That was not the proper time for him (the Chancellor of the Exchequer) to refer in detail to the provisions of this Bill. He would, however, rest the Motion of the hon. Gentleman on one single clause—namely, that which allowed a drawback on beer. If the hon. Gentleman would take the trouble to consult any one interested in the beer trade he would find that the clause simply affected a re-adjustment of the whole scale of allowances and drawbacks on beer, rendered necessary by the change that had taken place in the manufacture and the mode of regulating the strength and the price or that article. If the hon. Gentleman succeeded in his injudicious Motion the matter must remain over till next year, and the manufacturers would be devoid of that accommodation which the Bill proposed to give them with the perfect assent of the Crown as representing the interests of the revenue.

SIR STAFFORD NORTHCOTE said, he hoped his hon. Friend would not press his Amendment. It was a common practice to bring in at the close of the Session what was called an "Omnibus" Bill, in which was inserted a variety of provisions connected with the administration of the Departments of Customs and Inland Revenue, and which were not matters that ought to form the subject of separate Bills. But what was felt with regard to the present Bill was that the licence of an "Omnibus" Bill had been somewhat exceeded by the insertion in the Bill of the succession and probate duties, which very frequently involved legal questions, especially as by adopting the present course the House of Lords would be deprived of any opportunity of expressing any opinion with regard to them. It would have been better that the clauses had been altogether withdrawn.

MR. PHILIPPS said, that before going into Committee of Supply the House ought to have some assurance as to the course which it was proposed to take. As the matter stood then they could not fail to view with jealousy the clauses as to the succession duty.

MR. HUBBARD said, if the right hon. Gentleman would confine the Bill to the first thirty-five clauses, he should have no objection to it. But he had the strongest possible objection to the income tax clauses, which, so far from being in the direction of a mitigation of taxation were essentially penal in their effects.

MR. HADFIELD said, he would withdraw his opposition to going into Committee after the statement of the Chancellor of the Exchequer.

MR. NEWDEGATE said, that the Bill had been likened to a plum-pudding, but it was, in fact, making a pudding of taxation. It was, however, only a sequel to their original mistake, and he hoped before another Session the Government would be impressed with the force of the objections which had always been felt to tacking Supply Bills. He was prepared to vote, and he would vote, if he went alone into the lobby, against going into Committee on the Bill.

MR. HODGSON pointed out the objecjectionable character of the 44th Clause, and asked the right hon. Gentleman the Chancellor of the Exchequer whether, as he had agreed to omit the 43rd Clause, he would not also omit the 44th?

MR. BRISTOW remarked that the House ought to be obliged to the hon. Member for Stamford (Sir Stafford Northcote) for the advice he had given to the hon. Member for the King's County (Mr. Hennessy). It was admitted by every one that there were useful clauses in the Bill, and if that were so, surely the common sense course was to go into Committee.

SIR FRANCIS GOLDSMID said, that although he had a strong objection to one of the clauses in the Bill, and he hoped it would be omitted or considerably modified, he would not object to going into Committee.

MR. HENLEY said, the right hon. Gentleman the Chancellor of the Exchequer had met the proposal to divide the Bill in the fairest manner, and he hoped that they would now go into Committee and discuss the clauses. With regard to the 44th Clause, he doubted whether it was confined to public companies, and did not also apply to individuals.

LORD JOHN MANNERS remarked that the proposal of the hon. Member for Buckingham (Mr. Hubbard) that the Bill should end with the 35th Clause was a very reasonable one, and he hoped it would be acceded to by the right hon. Gentleman. It was, in his opinion, highly objectionable to be asked at the middle of July to discuss the important financial questions contained in the Bill.

COLONEL DUNNE said, that if the Bill was to be proceeded with, he hoped that all reference to Ireland would be omitted in the absence of any responsible Member of the Government connected with that country.

MR. HENNESSY said, he would withdraw his Motion, provided the right hon. Gentleman, the Chancellor of the Exchequer, acceded to the proposal of the hon. Member for Buckingham, but not otherwise.

THE CHANCELLOR OF THE EXCHEQUER said, he was very sorry he could not accede to that offer.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 82; Noes 49: Majority 33.

SIR JOHN PAKINGTON said, that he thought the time was now come when the right hon. Gentleman, the Chancellor of the Exchequer, should give an explanation of the manner in which he meant to deal with the Bill. The Bill dealt with the most important subjects of taxation—the wine duties, the succession duty, and the income tax. On these points the right hon. Gentleman had given them the *minimum* of information. Was the Bill to be divided into four? If they went through the clauses in the order in which they stood in the Bill the House might find itself discussing some of the most important portions of the Bill much nearer the fag-end of the Session than even then.

MR. SPEAKER said, the Chancellor of the Exchequer having already spoken could not reply to the question.

MR. COLLINS said, that to enable the right hon. Gentleman to answer the question, he would move that the House do adjourn.

THE CHANCELLOR OF THE EXCHEQUER said, there had been an attempt to prolong discussion on questions that could be much better debated in Committee. It could hardly be expected that he would go through the several batches of clauses in the Bill and give explanations of each. He denied that the licence usually taken in Omnibus Bills was exceeded. With regard to the division of the Bill, he had at once acceded to the Motion of the hon. Member (Mr. Martin) for that purpose, and he also acquiesced in the proposal of the right hon. Gentleman (Mr. Henley), that the clauses relating to the legacy and succession duties should form a separate Bill. Further than that he could not go at that moment.

MR. NEWDEGATE said, he was glad that the right hon. Gentleman had so far agreed in his view as to divide the Bill into three. It showed the inconvenience of consolidating several Bills, which ought to be kept separate, into one.

Main Question put, and *agreed to.*

House in Committee.

(In the Committee.)

Clause 1 (Methylated Spirit may be retailed under Licence for that purpose),

THE CHANCELLOR OF THE EXCHEQUER said, that the explanation which he had to give relative to the first six clauses was this:—Methylated spirit was a very useful invention recently made, which involved the solution of a most difficult problem—how to invent a spirit which should be available for purposes of manufacture, and which could not be used as drink. The present law admitted the sale of that spirit wholesale only under the £10 10*s.* licence, and as it would be a great benefit to the public that it should be sold also by retail, the clause had it in view to effect that object by empowering dealers to sell it under a £2 2*s.* licence.

Clause *agreed to;* as were also Clauses 2 to 8 inclusive.

Clause 9 (Lower rate of Duty on Refreshment-house Licences for Houses under £30 annual value. Allowance of duty paid for Refreshment-house Licence to be made on taking Wine Licence),

THE CHANCELLOR OF THE EXCHEQUER said, the first part of the clause altered somewhat the charge for refreshment-houses in favour of the person taking out the licence; the second part of the clause enabled a person who took out a wine licence, and who also had a refreshment-house, to pay only for the wine licence, instead of paying, as now, on both. It would be a relief to the extent of 21*s.*; but the clause was introduced chiefly to remedy a flaw in the Act of last Session.

MR. AYRTON said, he had given notice to leave out the latter part of the clause, because, as the law stood, a person would be compelled to take out a licence for refreshment if he sold only such innocent refreshments as tea and coffee, and kept his house open after ten o'clock at night. Besides, in order to encourage the consumption of wine, the Chancellor of the Exchequer was proposing to grant licences for the sale of wine at a lower rate than for the sale of beer, which was contrary to what was understood to be the intention at first. The light French wines were not to the taste of the English people, and why, then, was that concession to be made to the holders of wine licences? In night houses these wines would never be asked for. The strong spirituous wines would always be preferred.

THE CHANCELLOR OF THE EXCHEQUER said, that the hon. Gentleman's objection seemed to turn upon the relaxation given under the clause to houses open at night. He was willing to insert words which would limit the operation of the clause to refreshment-houses that were not open at night. For that purpose he proposed to insert "not being a house open after ten o'clock at night."

MR. AYRTON said, that the Amendment would remove some of his objections to the clause, though not all of them.

Mr. NEWDEGATE said, he wished to express a hope that he would receive from the right hon. Gentleman an assurance that he would place the beer seller, at least, on an equality with the wine seller.

Mr. W. E. FORSTER said, he trusted that the right hon. Gentleman would not accede to the request of the hon. Member for North Warwickshire. He (Mr. Forster) did not think that any advantage should be given to beerhouses under the present state of the Beer Act. There was little or no supervision exercised in regard to beerhouses.

The CHANCELLOR of the EXCHEQUER stated, that the advantage in favour of the wine seller was only 5 per cent.

Mr. HENLEY said, he thought it was advisable to revise the whole system of beer-licences, but they were asked to place the seller of beer at a disadvantage with the seller of wine.

The CHANCELLOR of the EXCHEQUER said, the sellers of what were called strong wines had eating-houses and were also beersellers. He had, however, no objection to introduce words that would place the wine and the beer licences upon the same footing. If it were competent to him, he would bring up words upon the Report. He could not, however, help remarking that the phantom of protection, although long ago buried, was constantly rising just enough to make itself visible.

Mr. HENLEY said, that he, at all events, would not be a party to raising the sod which was now to keep down the ghost of protection.

Mr. NEWDEGATE remarked, that the only ghost of protection which had made its appearance in the debate was the ghost of that protection which gave the preference to foreign over home produce.

Mr. W. E. FORSTER said, that if the beerhouses and houses licensed for the sale of wine were to be placed on the same footing in respect of licences they ought also to be placed on the same footing with regard to supervision. He would remind the Committee that in the Bill of last year was contained a very strong power of supervision, and a person holding a wine licence might for an infraction of the law have his licence taken from him, and in certain cases it might be taken from the house. That was a supervision much needed with regard to beerhouses.

Mr. Alderman SALOMONS said, he could not agree that the responsibility in the matter should be shifted from the keeper of the house to the owner. It was a very wide principle to adopt.

Mr. SOTHERON ESTCOURT said, that the owner of the house was a much more effectual check on the misconduct of the person who held the house than would be any penalty which might be enforced under the Act.

Clause, as amended, *agreed to.*

Clause 10 (Persons licensed to retail Beer not precluded from taking out Wine Licences),

Mr. W. E. FORSTER said, he should be glad to know the reason for the insertion of the clause.

The CHANCELLOR of the EXCHEQUER explained that the clause was intended to remove doubts as to the construction of some words in the Wine Licenses Act so as to make it certain that a person who held a wine licence might hold a beer licence also.

Clause *agreed to.*

Clauses 11 to 14 were *agreed to.*

Clause 15 *postponed.*

Clause 16 (Duty on Racehorses to be paid for the year ending on 31st December, in 1862, and in any subsequent year),

The CHANCELLOR of the EXCHEQUER explained that it was intended to relieve the owners of racehorses. At present the racehorse duty for the year expired on the 5th of April, and it often happened that owners of such horses brought them out just before the 5th of April, so that they had to pay the duty twice in one year. The clause was intended to remove that difficulty.

Clause *agreed to*, as was also Clause 17.

Clause 18 (Persons dealing in Game without excise licence to be liable to penalty whether licensed by the justices or not),

The CHANCELLOR of the EXCHEQUER explained that it was intended to remove certain anomalies in the imposition of penalties on dealers in game for selling game without an excise licence.

Clause *agreed to*, as was also Clause 19.

Clause 20 (20 & 21 *Vict.* c. 40 s. 6, does not repeal 1 & 2 W. 4, c. 55, s. 31, with respect to Penalties under the illicit distillation Acts in Ireland),

Mr. HENNESSY raised an objection to one justice being empowered to convict in cases of illicit distillation, and to impose so high a penalty as £100. He proposed that the word "one" should be omitted, and the words "two or more" justices inserted.

THE CHANCELLOR OF THE EXCHEQUER said, the spirit of the existing law was not changed by the clause; but a doubt having arisen as to the operation of the Act of last year it was thought desirable to restore in the present Bill the old law.

MR. CARDWELL stated that the clause had been introduced at the suggestion of the law officers of the Crown in order to remove a doubt that had arisen. In some parts of Ireland where illicit distillation most prevailed it was sometimes difficult to find two justices.

MR. HENLEY said, he for one objected to so much power being given to one justice.

Clause *agreed to,* as were also Clauses 21 to 23.

Clause 24 (Power to Officers of Excise to examine Stills or Retorts kept by persons not distillers, rectifiers, or compounder of spirits or vinegar makers),

MR. HENNESSY observed, that by the 24th Clause any gentleman who kept a still or retort for scientific purposes would be subject to the visits of an exciseman.

THE CHANCELLOR OF THE EXCHEQUER said, the clause in no way altered the law as it stood.

MR. HENLEY said, there was hardly a gentleman's house in the country that had not a stillroom for the manufacture of rose water and things of that kind, and it would be very hard that such houses should be open to the examination of the exciseman. He suggested words that would exclude such cases from the operation of the clause.

THE CHANCELLOR OF THE EXCHEQUER said, he would accept the words.

Clause, as amended, *agreed to,* as were also Clauses 25 to 36.

Clauses 37 to 40 inclusive *postponed.*

Clauses 41 to 44 *negatived.*

Clauses 45 to 47 *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER said, that the Clauses from 48 to 53 disposed of subjects of some interest, but upon which he anticipated the Committee would agree. They had not so much financial objects in view as the relief of the persons affected, and he would explain them when they met again. Clauses 54 and 55 were given up; Clause 56 was of obvious utility; Clause 57 was of importance, and he wished to have the opinion of the House upon it; but he would not persevere with it, if it were thought that it should not be pressed under the circumstances. On Clauses 58 and 59 he did not think any special discussion would arise. The only point that would then remain for discussion, in addition to the Legacy and Succession Duties, related to the Land Tax Acts. That, he believed, would soon be disposed of; and he proposed to take up the Legacy and Succession Duties on Tuesday next.

House *resumed.*

Committee report Progress; to sit again on *Tuesday* next at Twelve of the clock.

ROYAL ATLANTIC MAIL STEAM NAVIGATION COMPANY.

PETITION.

Petition of George O'Malley Irwin, praying for inquiry into alleged fraudulent practices committed by John Orrell Lever, Esquire (a Member of this House), and others, in reference to the Royal Atlantic Mail Steam Navigation Company, *offered:—*

MR. CONINGHAM: Sir, I rise for the purpose of presenting a petition from Mr. O'Malley Irwin similar to the one which I presented to the House a night or two ago, with this alteration, that the Petitioner seeks for an investigation instead of proposing a prosecution by the Attorney General.

Now, Sir, if I understand rightly the position in which I am placed, I am expected to express an opinion with reference to the petition which I present. [*Cries of* "No, no."] I believe, Sir, that I am right. I certainly was repeatedly told that a night or two ago—and from what you, Sir, have said, I am led to believe that I am justified in the statement which I have just made. That being the case, I now state why I think I am justified in the statement that there are *primâ facie* grounds for inquiry. I have no hesitation whatever in stating that I believe so, and, should a discussion arise upon the question, I am fully prepared to state the grounds upon which I entertain that opinion.

MR. SPEAKER: Does the hon. Gentleman make any Motion?

MR. CONINGHAM: Yes, Sir, I now move that the petition be read by the clerk at the Table.

The Clerk read the Petition.

MR. CONINGHAM: Sir, I now move that this petition do lie on the Table.

MR. SPEAKER: Does any hon. Member second the Motion?

MR. E. P. BOUVERIE: Sir, I rise to Order—I understand that the practice is that when a petition of this kind, making charges against an hon. Member (the hon. Member being present), has been read at the Table, the House would be guided in the course it might take by any statement which that hon. Member might think fit to make before any Motion is made with respect to the petition.

Mr. ROEBUCK: I thought, Sir, that a Motion ought to be made first, and that when the Motion is made the hon. Member ought to be heard. I put it to you, Sir, whether some Motion ought not to be made upon a petition of this sort, and whether that Motion ought not to be made before the hon. Member is heard?

Mr. SPEAKER: The hon. Member for Brighton has moved that the petition do lie on the Table.

The Motion was seconded.

Mr. SPEAKER put the Motion.

Mr. LEVER: Mr. Speaker, I must claim the indulgence of the House for a few moments. I beg to state most distinctly and emphatically that there is not the slightest foundation for a single statement contained in the allegations of that petition. I, for one, should conceive that the House would be doing justice not only to me but to its own character if they would grant a Committee of investigation so as to afford me every opportunity of showing that there is not the slightest foundation for these charges. I should only be troubling the House and occupying its time unprofitably if I were to go into the whole details of this case; and it would then be merely a statement of my own. I am wishful, and anxious, and most desirous that this matter should have the fullest investigation. I only regret that I could not bring the question into a court of law as I did before, so that I might have an opportunity of prosecuting the person from whom the petition emanates for the misstatements and misrepresentations that have been publicly paraded throughout the whole country by him. With your permission I will just say this—that some time ago an action was tried which he lost; and that he is now passing through the Insolvent Debtors' Court to pay the expenses of those trials that have taken place. Those expenses, amounting to some hundreds of pounds, came out of my own pocket, he being without a shilling in the world. It is not right that I should be continually annoyed by a man of this description, without character, upon charges without the slightest shadow of foundation.

Under these circumstances, if the House desires it, I am prepared to go into the case. I do not want to weary the House, but if the House desires it, I could refer to certain documents that I have by me which give a complete answer to these charges. I think it would only be fair if a Committee of Inquiry were granted, and I, therefore, beg to move that a Committee of Inquiry be appointed.

Mr. Lever then bowed to the Chair, and withdrew from the House.

Mr. CONINGHAM: I rise for the purpose of saying a few words. A statement has been made with respect to Mr. Irwin who has been charged by the hon. and learned Member for Sheffield with forgery. The truth or falsehood of that charge is a question which is still under discussion, and against that charge Mr. Irwin has appealed, and is prepared to appeal. I think it necessary to state that fact to the House.

Lord JOHN MANNERS: The Motion is that the petition do lie on the Table. If it meets with the sanction of the House, I would propose as an Amendment that the matter be referred to a Select Committee.

Mr. ROEBUCK:—I would ask the House not merely to refer this petition to a Select Committee, but to instruct the Committee to inquire, first, whether the matter is such that the House ought to take cognizance of it. If the accusations of that petition merely referred to the hon. Member for Galway in his private character, this House has nothing in the world to do with it. I say in justification of myself that these accusations come from a man who has been convicted of forgery. Now for the hon. Member for Brighton to tell me that that matter is now under discussion is to tell me that which is utterly futile and false. The trial took place in 1835, and the petitioner lay nine months in Kilmainham Gaol a convict under that conviction.

Mr. CONINGHAM: I said that he appealed.

Mr. ROEBUCK: We all know what the meaning of that phrase is. The man is a convict; he is a forger. He has brought actions against my hon. Friend the Member for Galway. He has been cast; and he is now going through the Insolvent Debtor's Court, because he is unable to pay the costs. At this present moment the whole of that matter is *sub judice*, and I say that this House would be most unworthily and improperly interfering if they were to allow this man to throw broadcast imputations in this manner. The hon. Member for Brighton has presented this petition, but he does not say that he is prepared to make a Motion for inquiry.

MR. CONINGHAM: I moved that the petition do lie on the Table.

MR. ROEBUCK: But that is just what I complain of. A petition is presented by the hon. Member who does not make a Motion for inquiry, but he merely moves that the petition be laid on the table. Now, I say, that it would be most unworthy of this House if they were to send this petition to a Select Committee without first and foremost directing the Committee to inquire whether this matter ought to be inquired into or not.

MR. E. P. BOUVERIE: Sir, I apprehend that the question now before the House is whether this petition should lie on the Table or not.

MR. ROEBUCK: That has been settled.

MR. E. P. BOUVERIE: That question has been put from the Chair—but I have not yet heard you, Sir, put any Amendment. It appears to me that the correct course would be that the petition should in the first place be printed, so that the House may have an opportunity of seeing what the statements contained in it are, and then, on a future occasion, it will be open to the hon. Member for Brighton or the noble Lord (Lord John Manners), or the hon. Member for Galway himself, if they are desirous of inquiry, to move that the petition be referred to a Select Committee. It appears to me that that will be the time for discussing the question which has been raised by the hon. and learned Member for Sheffield, whether this is a matter into which this House ought to inquire at all. But if we embark hastily and on the spur of the moment in an inquiry of this nature, we may find ourselves engaged in the investigation of matters with which we have no more to do than with the private matters of any hon. Member of this House. We have had petitions in the course of the last few years of a similar character presented to this House. A petition was presented by a noble Friend of mine, the Member for Haddingtonshire, eight or nine years ago, complaining in strong language of the conduct of Mr. George Hudson. That petition was signed by or on behalf of the shareholders of an important Railway Company; it was brought before the House, it was read, and it was laid upon the Table, but the House did not think it right to take any steps with reference to it. They considered that they were not competent to do so, and that it was beyond their province to inquire into the allegations which it contained. It is perfectly true that charges of a similar nature have often been inquired into, but the House will find that these cases have generally had reference to public Officers, or those connected with the public service, and, therefore, responsible to this House for their conduct. What I wish to impress upon the House is that they should not be in a hurry to take the course which has been suggested, namely, that of referring this case to a Select Committee. First, let us decide the question whether this petition is to be laid upon the Table or not—and if we do decide that it be laid upon the Table let us take care another day to consider it, and then determine whether we shall take any further proceedings with respect to it or not.

LORD JOHN RUSSELL: Sir, I think that the course which has been hitherto pursued has been perfectly regular; but I quite agree with my right hon. Friend that the House ought to take with deliberation and caution any future steps in this matter. The hon. Member for Brighton having given notice to the hon. Member accused, has brought regularly before the House this petition, which certainly contains grave charges against a Member of this House. The hon. Member accused immediately challenged inquiry, and denied the allegations. The House, however, will do well to consider, first, whether this is the sort of charge that it ought to inquire into; and, secondly, what precedents there may be in similar cases; so that I do not think that anything ought to be resolved upon to-day; and, further than that, the petition, if printed at all, ought to be printed only for the use of Members of this House. Formerly we were in the habit of printing petitions, which were justly complained of, on the ground that we were thereby circulating libels. Now, Sir, if this is to be a matter of inquiry, hon. Members ought to be in possession of the allegations; and for that purpose I certainly see no objection to our ordering this petition to be printed for the use of Members only. If it is understood that either the hon. Gentleman who presented this petition, or the noble Lord opposite, is ready to make a Motion to this House, they will be of course responsible, each for himself, in recommending that inquiry.

Mr. CLAY: Sir, this House has always been exceedingly jealous of the character of its Members, whether the charges made against them refer to them in their public capacity or their private character. Now, the hon. Member for Sheffield has said that this petition ought not to be received because the petitioner had been convicted of forgery. But to me this objection scarcely seems valid, seeing that the forgery was condoned by the hon. Member having confessedly employed the petitioner afterwards.

Mr. MALINS: Sir, the charges contained in this petition amount to imputations of personal fraud against an hon. Member of this House, and the House should be slow in erecting itself into a tribunal for the trial either of civil or of criminal cases. Now, Sir, suppose the hon. Member for Galway, being a trustee under a will or a settlement, had been guilty of a breach of trust amounting to fraudulent conduct, I would ask, would the House entertain any charge which might be made against him upon that point? Would it not rather say that the Courts of Equity were open in which the hon. Member might be proceeded against? In like manner, in the case of a criminal offence, the House would say, "Let the Member who is impugned be charged in a criminal court," and then, upon his conviction, the House would know how to deal with a man so convicted.

Sir, since I have been a Member of this House I have been a party to the expulsion of one Member (Mr. Sadleir), though at the present moment I cannot accurately remember for what offence particularly; but of this, Sir, I am certain, that that hon. Member, either by his own admission or by conviction before a proper tribunal, was shown to have been guilty of conduct derogatory to the character of a gentleman, and that conduct rendered him unworthy to sit in this House.

Now, Sir, if the present petition charging the hon. Member for Galway is to be entertained, let me ask in what capacity is this House to act? The charge contained in the petition is that the hon. Member, being the Director of a Company, has been guilty of fraudulent conduct in the course of his duties as such Director. That is a civil offence which might be made the subject of investigation in a civil court; and if the hon. Member were convicted of that offence I do not think this House would hesitate to adopt the same course as was pursued in the case I mentioned of Mr. Sadleir. I submit respectfully that if the House were to enter into the investigation of a civil offence of this kind it would be going far beyond its jurisdiction, and would be embarking on a course of conduct which would be fraught with the greatest possible inconvenience. Therefore, Sir, in the present state of things, I cannot accede to the Motion that this Petition be referred at once to a Select Committee; but I do concur with the noble Lord in thinking that this House should consider what precedents exist on the subject, and that for the present the House should be satisfied with either receiving or rejecting the petition.

Sir STAFFORD NORTHCOTE: Sir, there was an expression which fell from the hon. Member for Hull, which no doubt that hon. Member on reflection would regret, because in a preliminary discussion like the present nothing should be said to prejudice an hon. Member who declared that he was anxious that his conduct should be investigated. The hon. Member, noticing something which had been said about Mr. Irwin's character, said that the hon. Member for Galway was not in a position to take advantage of that, because the hon. Member for Galway had condoned it by employing him afterwards. Now, Sir, it is not strictly fair to say that, because, according to the evidence which was given before the Select Committee of last year, it would appear that when the hon. Member for Galway became first acquainted with Mr. Irwin, about two or three years ago, he was utterly ignorant of Mr. Irwin's antecedents; and how was the hon. Member to know that this person was some twenty years ago convicted of forgery?

Mr. CLAY: Sir, I rise for the purpose of explaining that I had no wish, in what I said, to say anything unfair towards the hon. Member for Galway.

Sir JOHN PAKINGTON: Sir, I think that the general feeling of this House is that the course which has been suggested by the right hon. Gentleman the Member for Kilmarnock is the best and the safest. It can hardly be desirable to refer this matter to a Select Committee until the House has had an opportunity of considering the allegations contained in this petition. Therefore, Sir, after the petition shall have been laid on the table, I will move that it be printed for the use of Members of this House.

Mr. PAULL: Sir, I do not think it

right to give any further publicity to the petition which has been presented to this House, and which has already been read by the Clerk at the Table. It is quite clear that charges are made in that petition which it is perfectly competent for the ordinary tribunals to take cognizance of, and I think that the House should be exceedingly cautious how it encourages persons, bankrupt in character and paupers in purse, and who have exhausted the powers of the ordinary tribunals, to come here and throw on the table any charges they please. Under these circumstances, Sir, I am of opinion that this petition should now be rejected.

Colonel FRENCH: Sir, I do not see why this House should depart from its usual course in this case. According to the rules of the House, this petition would go before the Printing Committee, who, if they think proper, will have it printed; and if not, any hon. Member who says that he is about to bring forward a definite Motion in respect to it might move that the petition be printed. Therefore, Sir, if the hon. Member for Brighton, upon his own responsibility, chooses to give notice that he will bring the matter forward, he can move that the petition be printed.

Motion made, and Question put, "That the said Petition do lie upon the Table."

The House *divided:*—Ayes 99; Noes 78: Majority 21.

Mr. G. W. HOPE: I take this opportunity of stating that, although I have voted in favour of the petition lying on the Table I have done so, not because I entertain any good opinion of the case of the petitioner, but be cause I felt it impossible, considering the general principle on which petitions are received, to afford to Members of the House an immunity which is not afforded to other persons. I may also add, that I have voted in support of the petition upon the understanding that the hon. Member who presented it was responsible to a certain degree for the allegations contained in it. I have done so upon the understanding which seemed to be general on the last discussion, that before any hon. Member presented a petition he should, to a certain extent, satisfy himself that there were *primâ facie* grounds in that petition for the allegations which it contained, and in the belief that if the hon. Member for Brighton thought that a *primâ facie* case against the hon. Member for Galway existed, he would, as a necessary consequence, be prepared to move that further inquiry into the subject should be instituted. I now, therefore, wish to know whether the hon. Member for Brighton is prepared to follow up his previous Motion by moving for further inquiry?

Mr. SPEAKER: The hon. Member ought himself to have concluded with a Motion.

Mr. CONINGHAM: It was my full intention to have done so, but I did not wish to take any step in the matter hastily. I thought that this was the first necessary step, but it is my intention to move that the petition be printed and referred to a Select Committee. I, therefore, give that notice now.

Mr. SPEAKER: As this is a matter of privilege, it is competent for the hon. Member now to move that the petition be printed. The course which has hitherto been pursued in cases analagous to this has been to move, without notice, that the petition be printed, and also that it be printed for the use of the Members of this House only.

Mr. CONINGHAM: Then, Sir, I now beg leave to move that this petition be printed for the use of the Members of this House only.

Colonel FRENCH: I do not wish to oppose the reception of the petition, but I take this course on the distinct understanding that the hon. Member is to make a further Motion upon this subject.

Captain JERVIS: Mr. Speaker, I think it necessary that something should be said for those hon. Members who have gone into a division against the hon. Member for Brighton. It has been distinctly stated both here and out of doors that there is a sort of wish to protect Members of this House when charges of this nature are made. I am totally unconnected with the Galway Contract, and I wish to say why it was that I went into the lobby against the reception of this petition. I cannot see why a petition against a Member of this House should be received, which in the case of a private individual would be rejected. In the present case, a man who has been convicted of the crime of forgery has sought to blacken the character of the hon. Member for Galway, with whom, I may state in passing, that I am unacquainted, and I do certainly think that the hon. Member is entitled to the same protection which a person who is not a Member of this House would have a right to expect when accused by a man whose word is held not to be entitled to belief in a court of law. Let the matter go clearly before the country. If it were not the case that it was a petition against the hon. Member for Galway, and in connection with the Galway contract, we should never have had a word of this discussion. It is entirely an attempt on the part of those who are opposed to this contract to bring the subject forward. ["No, no!"] I assert it most distinctly. It is in order to blacken the character of the hon. Member for Galway, and it is on that account that I myself, and many others, have gone into the lobby. I hope that this petition will not be printed.

MR. CONINGHAM: I beg to say, in reply to the concluding observations of the hon. and gallant Gentleman who has just sat down, that if he referred to me, I give the statement a most flat denial. I had no concern with, and was in no way personally interested in, the Galway contract. I have brought this matter forward solely on public grounds. The Committee upstairs would not entertain the application to have the matter heard before them, and, therefore, I felt it my duty, as a Member of Parliament, to bring the matter forward; and it is my intention on Monday to move that it be referred to a Select Committee.

MR. G. W. HOPE: I must remark that in the discussions in the Committee upon the Galway contract, the view which I took was favourable to the maintenance of that contract. It was so throughout, and I made Motions in the Committee to that effect. So far from being desirous to uphold the charges of the petitioner, I was of opinion that he had no case at all, and I stated that opinion.

The Speaker put the Motion that the Petition be printed for the use of Members only, and the same was *agreed to.*

Ordered, That the said Petition be printed for the use of Members only.

NEW SOUTH WALES.—QUESTION.

MR. MARSH said, he would beg to ask the Under Secretary of State for the Colonies, If any Petitions to Her Majesty have been received from the Inhabitants of the District of the Clarence and Richmond Rivers, praying for separation from the Colony of New South Wales?

MR. CHICHESTER FORTESCUE said, that the Petitions in question have not arrived, but they were understood to be on the way hither.

Captain Jervis

THE ECCLESIASTICAL COMMISSIONERS.
QUESTION.

MR. DANBY SEYMOUR said, he wished to ask the Secretary of State for the Home Department, Why the Ecclesiastical Returns, and the Return of the attendances of the Ecclesiastical Commissioners, ordered by this House last July, had not yet been laid upon the Table of this House?

SIR GEORGE LEWIS said, he had made inquiries at the Office of the Ecclesiastical Commissioners, and the information furnished to him was that the Returns ordered in July last were made in August, at the end of the Session. It should be recollected that an Order of that House for Returns was valid only for the Session, and that unless it was renewed in the following Session it was no longer operative.

MR. DANBY SEYMOUR stated that when, not long ago, he inquired at the Library of the House, the Returns had not then been received.

COURTS OF JUSTICE BUILDING ACT (MONEY) BILL.—QUESTION.

LORD JOHN MANNERS said, it would be recollected that early in the Session two Bills were introduced for the purpose of carrying into effect the recommendations of the Royal Commission on the concentration of the Courts of Law and Equity. The estimates on which those Bills were based were—First, that the total expenditure would not exceed £1,500,000; and, secondly, that the sum required would be furnished by the Suitors' Fee Fund. One of the Bills had already passed through both Houses of Parliament, and was now waiting for the Royal Assent. The other stood on the Paper for consideration in Committee that evening. It now appeared, however, from a printed Minute recently circulated, that, in the opinion of the Treasury, the total expenditure would be, not £1,500,000, but £2,000,000; while, on the other hand, the sum expected to come from the Suitors' Fee Fund would not amount to more than £1,000,000, showing that the charge upon the country, instead of being nothing at all, would certainly be not less than £1,000,000. Under these circumstances he wished to ask the First Commissioner of Works, Whether it is his intention to proceed further with a Bill which now so materially affects the finances of the country; and, if so, whether he will have any objection to postpone the consideration of the Bill in Committee until some day when a discussion can be taken upon it?

MR. COWPER said, it would be desirable that the House should have an opportunity of discussing the points raised by the noble Lord. The Bill stood for consideration in Committee that evening, and if there should be time for discussing it he should certainly bring it on; but, if not, he should have to name some other day.

SIR STAFFORD NORTHCOTE said, he wished to ask the right hon. Gentleman whether he could name an hour after which he would not proceed with the Bill that evening?

MR. COWPER said, he would not take it after twelve o'clock.

MR. HENLEY said, he must remind the right hon. Gentleman that a body of evidence which bore very much upon this matter was delivered only that morning; and, as there had been a forenoon sitting, it was impossible that hon. Members could have had the advantage of reading it. He, therefore, trusted that the right hon. Gentleman would agree at once to postpone the Bill till some other day, as it could not be properly discussed that evening.

MR. COWPER said, that as there was so little prospect of the Bill coming on at a reasonably early hour that evening, he would at once postpone it until Monday.

THE THAMES EMBANKMENT.

QUESTION.

In reply to a Question from Mr. T. J. MILLER,

MR. COWPER stated, that the Commissioners appointed to consider the subject of the Embankment of the Thames had nearly completed their Report, which might be expected in the course of next week, and he undertook to say that no delay would be allowed to occur between the presentation of the Report and its being laid on the Table of the House, together with the Evidence.

CESSION OF SARDINIA.

PAPERS MOVED FOR.

Order for Committee (Supply) read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. KINGLAKE said, he rose to ask the Foreign Secretary whether the Governments of France and Italy continued to deny that the King of Italy had entertained a project for ceding to France the Island of Sardinia, and whether the truth of any such denials was confirmed or shaken by the information which Her Majesty's Government might have received from other quarters, and to make a Motion on the subject? He had determined, at first, to depart from his intention of bringing the question forward in consequence of the denial addressed to the Sardinian Chamber by Baron Ricasoli, and the strong denial addressed to the Government of Her Majesty by the Government of France; but, owing to a recent act on the part of the French Government, he now felt it to be his duty to proceed with it. The question was essentially an English question, and if any European interest attached to it, the reason was to be found in the fact that English interests were so deeply involved that all the Powers who desired the welfare of England naturally felt some anxiety on the subject. He would not weary the House with any remarks on the agricultural or the mineral wealth of the Island of Sardinia, and his reason for such abstinence was that he entertained no feeling of jealousy with respect to the material prosperity of France. He believed that the richer France was the better it would be for us; and if there were nothing in the cession of the Island of Sardinia except a mere acquisition of land, and of the advantages which land could give, he should be the last person to find fault with it. But he thought it would be seen that the possession of the Island of Sardinia went necessarily to a great extent to secure the control of the Mediterranean. More than half a century ago that question was anxiously considered by Lord Nelson, who had left upon record in his correspondence a most solemn declaration as to the enormous importance to England of the control of the Mediterranean. Hon. Members would all recollect the phrase in which he expressed his longing for more frigates, when he said that the words would be found written upon his heart if he were then to die. The energy he had brought to bear upon the subject of Sardinia was sufficient to remind them of that expression. Over and over again Lord Nelson had referred to the subject. In one letter he said, "What a noble harbour! The world cannot produce a finer." In another he said, "The island has a harbour capable of holding our whole fleet, and if it were in the possession of a great naval Power, no fleet could pass to the eastward." "Malta," he said, in a third letter, "is not to be named in the same breath with Sardinia;" and again, "This is the most important island as a naval and military station in the Mediterranean." He said, "the more I know of it the more I am convinced of its unspeakable value from its position and naval resources." He said, "The King of Sardinia cannot keep it; if France gets it she commands the Mediterranean." Then he said, in another letter, "Sardinia never must even risk its falling into the hands of France." It was rather curious that in part of the correspondence to which he had adverted, and for which he was indebted to Mr. Forster, who had collected Lord Nelson's correspondence—in one of those letters Lord Nelson took occasion to state that at that very time the island had in it French intriguers, and he mentioned a report that Napoleon Bonaparte had gone to the island for the purpose of effecting an exchange of Parma and Piacenza, in order to bring it into the possession of France. If the possession of the island of Sardinia was important in the time of the First Napoleon, it was now vitally so, for every one must know that the importance of the Mediterranean to us had since then been enormously increased. Our communications with India, now a recognized possession of the British Crown, were to a great extent carried on no longer by the Cape, but by the Mediterranean. It could not, therefore, be endured that our communications with the Mediterranean should be imperilled or held by sufferance. Even, independently of the danger which would affect our communications in the Mediterranean, the mere fact that these would be affected by the cession of that island, an enormous change in the distribution of naval power was of itself sufficient to make this country resolute and determined to prevent any such change, because it was obvious that the sufficiency of our naval resources, the sufficiency of our harbours, ships, and seamen, was not a positive thing, but only a relative amount as compared with the resources of our neighbours, or, to speak more plainly, with the naval resources of France; and it was plain, therefore, that if by any operation similar to that which took place last year France should succeed in acquiring the Island of Sardinia, she would be inflicting on us a loss—a relative loss, but still a loss as far as our interests were concerned, equivalent to having endured a great naval disaster. They all knew that the First Napoleon made it one of the great objects of his life to reduce the Mediterranean to what he called "a French lake." Well, that object of Napoleon was a perfectly natural, and in a sense a perfectly legitimate one; because during the whole time of his occupying the imperial throne he was engaged in a flagrant war with England, and it was his right—nay, in a sense his duty—to do England all the harm he could. Consistently, therefore, with that position of his, he sought to make the Mediterranean "a French lake," with the view as far as possible to injure the country with which he was at war. But what he had now to remark was that when they were not at war with France, at a time when they were at peace with our neighbour, the same kind of effort was going on to obtain for France the control of the Mediterranean.

What, he would ask, was the meaning of the phrase, to make the Mediterranean "a French lake?" Why, the meaning of it was that France, by acquiring in some places actual dominion and in other places a dominant influence, should creep on, and on, and on, until no vessel could go into the Mediterranean Sea without having, as it were, to run the gauntlet between lands either under the actual dominion or control of France. Now, what progress had already been made in that direction? His hon. Friend the Member for Tamworth (Sir Robert Peel) had most properly kept his eye on what was doing on the coast of Africa. There they all knew there had been indicated a great desire on the part of Spain to possess herself of Tetuan. The possession of Gibraltar was to a great extent dependent on that of Tangier, and the independence of Tangier was threatened by the occupation by Spain of Tetuan. Since the last war almost the whole of that coast till they approached Tunis had become in the strictest sense of the term a French dominion; and, then, last year a great stride was made in the same direction by the acquisition of the country of Nice and the seaboard in that direction. It was obvious that upon its being known that France was aiming at an object of the kind no English Government could stand idle. They knew by the papers laid before the House that he was speaking of last year—no sooner had Government acquired knowledge or suspicion of the course that was being taken than a vigorous measure, he would not say was executed, that would be too strong a term, but a very wise and vigorous measure was conceived by the noble Lord the Minister for Foreign Affairs. He wrote a stringent despatch to Sir James Hudson, stating that certain rumours had come to his ears but that the acquisition by France of that island would be a serious derangement of the balance of power in the Mediterranean, and that no further acquisition of territory by France could be viewed with indifference by Europe. The noble Lord followed up these stringent words by a wisely-conceived instruction addressed to Sir James Hudson, in which he called upon him, and he afterwards instructed him, to write a formal note on the subject; he was to call on Count Cavour to give a formal engagement binding the King of Sardinia not to cede any more territory to France. He said that was a wisely-conceived instruction; but, unfortunately, it was answered in a way which, as events had occurred, was far from satisfactory. Count Cavour answered that he had just been making a speech in the Sardinian Chamber, in which he had declared that even the temptation of acquiring Venice would not induce him to part with an inch of the Italian territory. Well, now, that reference to his speech which Count Cavour wished our Government should receive in substitution of the formal engagement which the noble Lord had demanded, fell grievously short of the demand; because, in the first place, that equivocal expression, "Italian soil," might be conceived as not applying to the Island of Sardinia; and then there was a very important difference between a reference to a speech and an actual diplomatic engagement. Count Cavour was now no more, and there existed no such diplomatic engagement as had been demanded by the noble Lord on which he could call Sardinia to account. The noble Lord last year was not content to make the declaration at the Court of Turin, but he also instructed Earl Cowley to state to the French Government that these rumours had reached his ears, that they were disbelieved; and Earl Cowley received from M. Thouvenel the most positive denial that there was any truth in those rumours. The expression was very strong; he called it an abjuration; M. Thouvenel said it was quite preposterous; it could not be expected that for Sardinia, so barren of resources, France would incur the risk of war. A very curious circumstance occurred—ten days after receiving that despatch the noble Lord again addressed Earl Cowley on the subject. He said those rumours had again reached him, and again Earl Cowley was distinctly instructed to bring the subject under the notice of the French Government. No doubt, that was a disagreeable duty for Earl Cowley to perform, because, having received that previous solemn denial from M. Thouvenel, it might be thought awkward to have to return to the subject within so short a time, and again to state that Her Majesty's Government were still suffering anxiety in regard to it. How Earl Cowley executed that duty they did not know, for there was a hiatus in the despatches at that point. It might easily be conceived that the despatch explaining the mode in which he had performed that task had been withheld on good grounds; but it was rather unfortunate for Earl Cowley that it should be so without some reference being made to the missing despatch, because one might be led to imagine, what was certainly not likely to be the fact in Earl Cowley's case—namely, that there had been on his part something like a flinching from the performance of a painful duty. Well, those despatches were long since laid on the Table, whereby the opinion of the House upon them might be said to have been invited. He thought the House was somewhat to blame in the matter; and he was quite willing to take his own share of that blame for not calling public attention to the purport of the despatches, because they left off in an unsatisfactory manner, informing them that the Government was anxious on the subject, without containing anything tending to show that that feeling had been removed. That was the more to be regretted because he was disposed to think the silence—the dangerous silence—of the House of Commons might have been one of the causes that induced the French Government to take the steps which it afterwards took. If the House had performed their duty more vigilantly it was not improbable that those steps might have been prevented. The result was that since the spring there had been very strong ground for supposing that France had been advancing towards the attainment of its original object—the acquisition of Sardinia.

In testing the accuracy of that supposition they were justified in looking at the anterior position of those two Powers, Sardinia and France, as, if he might so speak, the buyer and the seller. They must remember that those were the very two Powers which, the one by ceding and the other by accepting the surrender of territory, occasioned a great distraction last year in Europe. And one could not help feeling that the Island of Sardinia was an enormous temptation to France, and that France had the means of so tempting the King of Sardinia that, *à priori* and in the absence of all engagements, it was possible that the Sovereign who made up his mind to surrender Savoy might, under similar motives, be induced to surrender the Island of Sardinia. To try the question by its probabilities, if such an engagement had really been entered into between those two Governments what might they expect to find? Why, that the people of the Island of Sardinia were disturbed by the notion that under some sort of compulsion, which they could not well understand, it was their fate to be surrendered to France. They might also expect to find some preparations going on in that island for that wonderful piece of legerdemain which the Imperial statesmen were accustomed to call a *plébiscite.* They might further expect, a little later, that there would be a strenuous denial by France of any intention to effect a transaction of the kind; that the King of Sardinia, emboldened by the vehemence of that denial, might imagine for a moment that he was really a free man and assert his intention to hold his own; but that the next step would be a rebuke addressed to him by France for daring to fancy that he was free to refuse the cession of the island in question. That was what they might expect to find, applying the canon of construction of which he had spoken the other night in respect to the conduct of those two Powers. Well, he was prepared to say that all that, and more than this, had already occurred. In the Island of Sardinia agitation had been going on which led the people to suppose that they were necessarily and inevitably to become French. He had a copy of an able newspaper published at Cagliari, which was written exactly in the same painful tone which was so distressing last year in the case of Savoy and Nice. The writer hoped and feared, but was apparently convinced, that by some process which he could not prevent the island was to be ceded. That process had, indeed, been carried so far that even the humble official of the Government was brought to the belief that the Sardinian uniform he wore was the last of the kind he would ever have, and that the time was not distant when the islanders must necessarily become French. It would be interesting to know from the noble Lord what accounts he had from the English Consul at Cagliari, a man, as he was told, of high character and great ability. The reports of that gentleman would be exceedingly useful either in dissipating our alarms, if they were idle, or in furnishing a better foundation for them if well founded. It was unwise to suppose that the fears of the people of Sardinia were no element for consideration. When transactions of that kind were going on the instinct of the people concerned enabled them to know pretty well what was about to take place; and he did say that the sensations of the victims were in this case much deserving of our attention. No one, perhaps, could be supposed to be less acquainted with what was passing in Europe than an humble shopkeeper—say at Chambery or Nice; and no one could be supposed to be better acquainted with what was passing in Europe than the noble Lord at the head of the Government. Yet, last year, those humble men had an instinct which told them with greater truth and certainty than the noble Lord was able to attain that they were about to be handed over to France. Turning from the Island of Sardinia to Turin, the belief in the fact that an agreement of some kind had been signed had been so strongly entertained by those who were so placed as to have the means of knowledge, that it would be incorrect to speak of it as a mere rumour. It so happened, however, that the sources of information on which that rumour depended were not within his reach, and, therefore, he would not even advert to the date of the agreement, nor to the names by which it was supposed to have been signed. Perhaps before that discussion terminated his lack of information on that head might be supplied by others. But the House should remember that the understanding of which they had suspicions was not of a perfectly definite kind, fixing the day on which it would take effect; and he could also easily believe that to a great extent the terms in which it was intended to be carried into full operation might have been left uncertain. They ought, likewise, to bear in mind that Count Cavour, with a sensitiveness which he thought honourable to him, was accustomed throughout all the transactions relating to Savoy and Nice to flinch from avowing the whole extent to which he had engaged himself. Count

Cavour had also this peculiarity—that he was very much in the habit, he would not say improperly, of giving but half confidences to other people, and would instruct the man who was acting under him as far as was necessary for his guidance, but would not tell him a whit more.

He would now state to the House what he believed to be the real extent to which Count Cavour was engaged in negotiations for the cession of the Island of Sardinia to the Emperor of the French. Count Cavour, as he was informed, put himself in communication with a gentleman, whose name would be well known to Her Majesty's Ministers and to Europe generally. He was not at present at liberty to mention it himself; but he believed he should obtain permission to do so to one of Her Majesty's Ministers should it be necessary. Count Cavour told that gentleman to make inquiries—personal inquiries—in the Island of Sardinia, with a view to ascertain what progress the French were making with the arrangements for a cession of the island. Not unnaturally, the gentleman to whom these instructions were addressed, said, "What progress have you made with negotiations? Is the island to be ceded?" Count Cavour's answer was, "The Emperor of the French is always pressing me. Hitherto I have held out." Well, the gentleman, as instructed, went to the Island of Sardinia. He there ascertained that the people had been worked upon in the way which he had already described to the House, and he also learned that the process for drawing the island to the French Empire had been that of constituting on the island itself two Committees of annexation. And now he would tell the House who had been performing that singular duty. His hon. Friend the Member for Tamworth would not, he was sure, be unwilling to bear the odium of being considered one of the detective officers engaged in bringing those transactions to view; and, pursuing the analogy of the expression, he thought he might say that the gentleman who was constructing these Committees of annexation in the Island of Sardinia was one well known to the police. He was no other than M. Pietri—Senator Pietri—the very man who conducted universal suffrage in Savoy and Nice. Well, so much for the Island of Sardinia; so much for Turin. He now came to Paris, and he found that towards the close of the Session one of the *bureaux*, as they were called—which were certain sections of the House working with closed doors—was engaged in considering what would be called here "the Naval Estimates." It was remarked by one of the deputies that those Naval Estimates were on an enormous scale, and that the ports of France were clearly insufficient for the reception of so great a navy as France was contemplating. Thereupon, as he was informed, the General who in that *bureau* represented the Government said that it was very droll, but France was engaged in negotiations which would have the effect of putting her in possession of additional ports, and that there were to be additional ports in the Mediterranean. If there were any other ports in the Mediterranean which they expected to acquire, he hoped the noble Lord the Foreign Secretary would be able to tell the House what ports they were, if not those in the Island of Sardinia. Then, he was told of another fact, which was this—that in the Ministry of Marine an inquiry was ordered into the capacity of the port of Cagliari for the reception of vessels of war. He thought, that when he had put together all these converging circumstances—when the Island of Sardinia expected to be ceded—when they found the Prime Minister of the Kingdom of Sardinia in exactly that kind of agony which his predecessor was suffering last year—and when they found France, while denying a proposed cession, yet going on in the same way as if a cession was to take place—he had succeeded in showing, if not that an arrangement existed—and he did not go so far as that—certainly that the most serious grounds for uneasiness and anxiety on the part of this country at present existed. It was not long since Baron Ricasoli addressed the Sardinian Chamber in a speech in which in almost proud terms he stated that he knew not of any portion of Italian soil which Sardinia would yield. He had reason for thinking that, at the same time, there were addressed to Her Majesty's Government such earnest and positive denials on the part of the French Government as succeeded in producing something very like a belief—perhaps a complete belief—that under those circumstances, at least, the idea of a cession had been adjourned. He had not been willing, therefore, to raise any discussion in that House which might be injurious; and under that feeling he had determined to abstain from bringing the question forward. But no sooner had the denials of Baron Ricasoli and the French Government taken effect than exactly the process of last year went on again, and the French Government returned to its enterprize. He held in his hand a rebuke which *La Patrie*, the official organ of France, addressed to Baron Ricasoli for his denial. He was very reluctant to read anything to the House; but, as that must be regarded as an official statement of the French Government, he would venture to do so. It was as follows:—

> "M. Ricasoli has also declared 'that the Government of the King did not know of a palm of Italian territory which it could cede.' By these words, no doubt, the Prime Minister only meant to allude to accomplished facts, to retrospective acts. Nevertheless, in order to prevent any of the truth of principles from being lost sight of, we think it our duty to remark that it has always been admitted that a nation could, without compromising its independence, without failing in its dignity, and taking counsel only of its own interests, voluntarily make territorial cessions. Does not history in modern times justify and furnish example of numerous and similar cessions? . . However noble and honourable may be the sentiments expressed by M. Ricasoli—declarations so absolute as those which he has uttered, and which could not prevail in public law, would be an invincible obstacle to those transactions which (*dans l'ordre politique*) two countries always could, and always can freely accomplish."

He believed that the matter did not end with that official rebuke, for, unless he was much misinformed, M. Thouvenel addressed an official note to M. Ricasoli, complaining of the fact that he had repudiated all idea of making any further cession of territory to France. The spirit in which the French Government was disposed to act in the matter had been laid down in an extract copied into a paper which they all had on their table that morning. The *Revue Contemporaine* was a journal not only founded and subsidized by the French Government, but which evidently received its inspirations from the same source, and its last number contained the following observations on the annexation of the Island of Sardinia:—

> "We had hoped to possess some day the Island of Sardinia, which would be so useful a half-way resting place to Algeria, offering us excellent timber for our navy and good harbours of refuge for our vessels. The Island of Sardinia is the continuation of Corsica; it is an island more French than Italian, where the people love France, and feel that their happiness lies with her, and where the annexation would be voted with enthusiasm, were the island, either by necessity or chance, to be relieved of its duties towards the Crown of Italy. And, now, here is M. Ricasoli extinguishing our patriotic dreams, and depriving us of a hope similar to that which he entertains regarding Venice. It is true that certain circumstances may arise calculated to oblige the Italian Government to modify its programme a little with respect to France, and induce it to establish a happy distinction between Sardinian territory and Italian territory—two things which are, indeed, very distinct. We do not believe that the Government of the Emperor will ever claim this second Corsica either by threats or force, although it is so essential to the preservation of the sister island in the case of a conflict in the Mediterranean; but our Government would certainly not refuse it if courteously offered, especially if the population, on being consulted, were to answer by an almost unanimous vote, like Nice and Savoy. In order to preserve the Island of Sardinia, which no more belongs to Turin than Corsica belonged to Genoa, the Italians should, therefore, above all, avoid offering it to us; that is their business."

No doubt, if the annexation were carried out, M. Pietri would obtain another unanimous vote, recollecting that he had performed a similar duty at Nice with such zeal that, according to M. Mocquard, the number of votes in favour of annexation considerably exceeded the whole number of voters. He had said enough, he hoped, to justify the anxiety he felt upon the matter, and which he had endeavoured to convey to the House. He might point to the despatches of the English Consul in Sardinia, and to the negotiations which had been going on during the summer on the subject. It was unsafe to rely on the moderation of France. He did not believe that when the Emperor of the French used moderate expressions he was always misrepresenting himself, for there were often occasions when he desired that matters should pass off as quietly as possible. The truth was that, having engaged in transactions of this kind, he succeeded in interesting a great number of persons in his plans, and when he was willing to recede he was driven forward by his own ideas fermenting in the minds of other men. Last year, when he outraged Europe by the annexation of Savoy and Nice, he did so on a momentary impulse upon the suggestion of a mere soldier who was not competent to advise him on state affairs. But on his mere suggestion that his credit with the army would be imperilled if the annexation did not take place he gave way. If a similar suggestion were addressed to him by the French navy, and nothing was more probable, with regard to the annexation of Sardinia, it would be absolutely necessary that he should be sustained in resisting any such annexation by the certainty as to the light in which such a cession would be regarded in this country. He repeated that they could not trust either the moderation of France or the firmness of Ricasoli, or any other Italian gentleman. A firmer or more honourable man than Ricasoli did not exist; but he very much doubted whether he had yet come into full possession of all the humiliations which awaited him as the legatee of Count Cavour. [Sir GEORGE BOWYER: Hear, hear!] He did not yet know all that Count Cavour had agreed to do. He hoped that Sardinia would never be annexed to France. He did not believe that the noble Viscount at the head of the Government would ever let history say of him that while he was Prime Minister of England and in time of Peace there was endured such a displacement of the naval powers of the countries of Europe as must be grievously prejudicial to England, as must endanger her communication by way of the Mediterranean, and make a great stride towards placing France in possession of that control of the Mediterranean which had always been the main object of the Bonapartist policy.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of any further Correspondence which may have passed respecting the Cession to France of the Island of Sardinia,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR ROBERT PEEL: Sir, I hope the House will allow me to second the Motion of my hon. and learned Friend, and I am sure I do but express the feeling of the House when I say that it has listened with pleasure and pride to the speech of my hon. and learned Friend. I can well understand the grounds which have induced my hon. and learned Friend to bring forward this question under our notice before the close of the Session, because it is quite evident, from the repeated denials respecting this alleged cession of Sardinia to France, that there is and must have been some foundation for the apprehensions that have alarmed Italy and Europe, and not only Italy and Europe, but England in particular. This a question that directly affects this country and the power of England, inasmuch as we must look at this annexation in a different light from the annexations of last year. England was not directly concerned in those annexations, but protested against them as one of the great Powers of Europe. As regards the bucaniering annexation of St. Domingo by Spain, it is clear that America's misfortune has been Spain's opportunity. Then, again, there is the question of Tetuan. Those, however, are all matters affecting Europe; but the cession of the Island of Sardinia affects this country immediately. It is a matter of great importance to us, and if there are grounds for this apprehension—if this annexation were accomplished, it would strike the most severe blow against the maritime power and legitimate influence of England that has been inflicted for fifty years. That naval supremacy, for which Nelson and other great men fought and bled and conquered would be imperilled, and the position which every English Government has taken up is that the independence of the Island of Sardinia is essentially necessary for the commercial interests and naval power of Great Britain. My hon. Friend has told us what the position of Sardinia is. Hon. Members, if they refer to the map, will see that Sardinia is the largest island in the Mediterranean, that it is larger than Sicily. [Mr. ROEBUCK: No!] I quote from a book lately published. At all events, its position is most remarkable. It spreads out from Corsica to the centre of the Mediterranean. It is half way between France, Spain, Italy, and the coast of Barbary. It is the half-way house of France, and has two magnificent ports, La Maddalena, on the north, and Cagliari, on the south. My hon. Friend has quoted the language of Nelson on this subject, and it cannot be too strongly impressed on Her Majesty's Government. Nelson writes to Lord St. Vincent in December, 1803. He says that Sardinia is the finest island in the Mediterranean, that its harbours are fit for arsenals, and capacious enough for the whole navy. He says, in 1804, "I have written to Lord Hobart to say that Sardinia is worth a hundred Maltas, and that it has the finest man-of-war harbour in Europe." On the 17th of September he wrote another letter to Lord Hobart, to say that, "Sardinia is the *summum bonum* of everything valuable to us in the Mediterranean." These opinions of Lord Nelson justify the most serious apprehensions as to the danger to this country if Sardinia should be seized by France. But there is something in the way of such a cession. There are treaties. I know that in these days treaties are of very little value. But there are treaties, and there is a distinct treaty regulation that binds this Island of Sardinia to Savoy. In 1720, by the Treaty of London, to which France, England, Holland, Savoy, and Sardinia, were parties, Spain gave up Sardinia, which she then held. An arrangement was made by which the Island of Sardinia was ceded to Savoy, and Savoy gave up Sicily—which she held under the Treaty of Utrecht—to Naples, by which the Kingdom of Naples become the Kingdom of the Two Sicilies. This treaty was confirmed by the Treaty of Vienna. But the Emperor Napoleon wants to annul the Treaty of Vienna. He demands that satisfaction of Europe, and he hopes that Europe will not interfere. But this treaty is the charter-paper of Europe, and without the consent of the Great Powers we cannot allow one Power to monopolize the authority of doing all this. There is only one hon. Gentleman in this House who supports the policy of the Emperor Napoleon. I refer to the hon. Member for Birmingham (Mr. Bright) who blew his trumpet so loudly at the Mansion-house the other night. I regret the absence of that hon. Gentleman, as I was very anxious to address some observations to him on this subject. He is the only man here who applauded this conduct of Louis Napoleon. Last year, I recollect the pain and grief I felt when I heard the hon. Member for Birmingham say:—"Savoy! Perish Savoy!" He said that, politically speaking, the possession of Savoy was worthless. France and Switzerland both said that it was a matter of vital importance. But later in the year the hon. Member for Birmingham said, as regards the map of Europe and the limitations of States, that that was not worth one minute's consideration. This Socialist view of the rights of others was happily not re-echoed by nor shared in by the people of England, who desire to respect the rights of others, but at the same time are anxious that there should be maintained that balance of power which is just and legitimate. About the same time I was very much struck with some observations, which, as it appeared to me, so admirably expressed the feelings of this country in respect to the policy of France, and the danger resulting from the annexation of Savoy and Nice, that I ask permission of the House to quote them. There appeared in *The Times* newspaper, in March, 1860, this sentence—

> "This act must leave upon every man's mind a conviction that there is no safety, except in continual watchfulness and in armed preparation, against the aggression of a Sovereign who thus seizes upon the possessions of a friendly Power, and then challenges approval, and talks of equity and claims the assent of Europe to his act."

That is a sentence which, I am certain, finds an echo in the heart of every man in this country, and it is because we feel that we are dealing with a subtle and dangerous man, always designing how to carry out the object he has in view, that I urge this vigilance on the Government, and desire, with my hon. and learned Friend, to impress its necessity on the House and on the country. Now I ask the Government are there any just and legitimate grounds of apprehension in this matter? Over and over again we have had denials that anything was intended; and I should be inclined to regard those denials, but for the repeated proofs we have had of the principles which actuate and influence not only Louis Napoleon, but the Imperial policy of France. The noble Lord at the head of the Government has found out whom he has to deal with in dealing with Louis Napoleon, and if you cast your eyes around Europe at this moment you see abundant confirmation of the danger in the distrust prevailing at the uncertain position of affairs. That is our justification for submitting this subject at the present moment to the consideration of Parliament. Some people may say that we are handling very delicate questions, and that we ought not to allude to these foreign affair matters in the House of Commons at this moment, when the situation of things is so delicate. The hon. Member for Birmingham said so the other night. Such was not always the opinion of the noble Lord at the head of the Government. I recollect that when he was in Opposition, he did not consider what might be the position of the Government of the day, or the position of France at that time. An almost parallel case occurred in 1844. There existed then extreme uneasiness respecting France and Morocco, and the Government of the day urged on the House of Commons the necessity of not alluding to questions which might agitate the public mind. What did the present Prime Minister then say? In his expression of opinion delivered at that time I entirely concur, deeming it one of those straightforward, honest declarations which have gained for the noble Lord a legitimate popularity in this country. When begged to be silent, and not to endanger negotiations which were going on, the noble Lord said—

> "That, so far from being tongue-tied in the House because of the state of parties in France, he did not think that any consideration arising from the position of persons or parties in foreign countries, should debar us from canvassing the conduct of the Government with reference to our own interests, for the consideration of our own interests must be paramount with an English House of Commons."

That is precisely the feeling we have now. The interests of this country are intimately wrapt up with the consideration of this matter. My hon. and learned Friend has made so able and interesting a speech that he has really left me almost nothing to add; but he has omitted to refer to one thing, and that is the very striking expression of opinion which appeared in the *Moniteur*, the official journal of France, representing what M. Thouvenel calls the Imperial policy of France. Let the House consider M. Thouvenel's opinion respecting the Imperial policy of France, and the imminent danger of the measures which Louis Napoleon has in view. In June, 1860, M. Thouvenel, addressing a report to the Emperor which appeared in the *Moniteur*, ays—

> "The Imperial policy is guided, not by ambitious intentions, but considerations respecting the future (*un sentiment de prévoyance*). Your Majesty has obtained a 'guarantee' from the friendship and gratitude of a Sovereign, which constitutes a fine page of the history of a reign already so fruitful of prosperities."

It is precisely this "*sentiment de prévoyance,*" and this system of France always asking for a guarantee that we wish to watch. When she took Savoy and Nice that was a guarantee. In the speech of the Emperor, in 1860, it was observed—

> "In frankly stating the question to the great Powers their equity will, doubtless, induce them to recognize that the important territorial change which is about to take place gives us the right to a guarantee indicated by Nature herself."

Only the other day France recognized the King of Italy, and what were the expressions introduced by M. Thouvenel into his despatch? They were not like the frank and generous avowal made by the noble Lord the Foreign Secretary. In M. Thouvenel's despatch appeared this short sentence, with the word "guarantee," which indeed is always to be seen in M. Thouvenel's despatches—

> "The French troops will continue to occupy Rome so long as the interests which brought France to Rome are not covered by guarantees."

I should like to know what is the meaning of that; because I think it means continual annexations of different places in Europe to the French Empire. I wish to point out to the House, also, how full, but how fallacious have been the denials we have received from the Sardinian Government. Three times has this question of the annexation of Sardinia to France been brought before the Constitutional Chambers at Turin, and three times it has been most emphatically denied, twice by the lamented Cavour and once by M. Ricasoli. Count Cavour, in October, 1860, said—

> "The charge of the meditated annexation of Sardinia (Island of) to France was met in a manner in which a wide distinction was endeavoured to be made between that question of the Island of Sardinia and the cession of Savoy and Nice ..... The great principal of nationality, the corner stone of our political edifice, can never be invoked for a cession of a portion of our territory."

That was what Count Cavour said in October, 1860; but precisely the same thing was said as regards the cession of Savoy and Nice on the 22nd of March, 1860. On that day the King of Sardinia received the Savoyard deputation, and said "That the ties which bound his dynasty to Savoy were too ancient to be rent asunder." At the very moment when that solemn declaration was made, M. de Persigny, writing from this country to the French Government, mentions that the cession of Savoy was long arranged to take place on the conclusion of the war in Italy. On the 8th of April, 1861, another interpellation was addressed to Count Cavour, and he made a brief reply on the subject of the rumoured cession of the Island of Sardinia to France. He said:—"I give a formal denial to the rumours of an intended cession of the Island of Sardinia to France." A similar denial preceded the cession of Savoy and Nice; and Sir James Hudson wrote a despatch, dated Turin, February 10, 1860, in which he said—

> "I called upon his Excellency this morning, and the Count said that he could only repeat to me what he had already stated, that Sardinia was under no engagement to cede, sell, or exchange Savoy or any other part of her dominions."

And yet at that very time it was understood that Sardinia would cede Savoy and Nice to France, as reward for the assistance she had given Sardinia in Italy. The House of Commons and the country, under those circumstances, require, I am sure, something more than verbal denials, especially when we have precedents so strong telling against the credit which they are entitled to receive. Again, I find the Sardinian Government writing in March, 1860, to M. Nigra, who was then Chargé d'Affaires in Paris, precisely in the same terms on the same subject. They say—

> "His Majesty's Government would never consent, with even the greatest prospective advantages, to cede or exchange any one of the parts of the territory which has formed for so many ages the glorious inheritance of the House of Savoy."

Stronger terms than these could scarcely be used; but I now come to Baron Ricasoli. He, in the month of June in the present year, made a bold speech—I hope he will act up to its boldness—in the Sardinian Chamber, in which he said—

> "We arm for the defence, not only of the national territory as it is actually constituted, but also to complete it, and to restore to it its natural and legitimate limits."

He goes on to say—

> "I have heard a cession of territory spoken of, but permit me,"—and he made this emphatic declaration—"but permit me, Gentlemen, to repel with profound disdain the very thought."

Cries of "Brava" followed this announcement, and Baron Ricasoli added—

> "The King's Government knows not of a foot of Italian territory which it can give up; *il ne le veut pas; il ne le fera pas; non, absolument non.*"

Now, if I could be persuaded Baron Ricasoli would act up to that statement, I should feel satisfied; but the danger is, as my hon. and learned Friend has pointed out, that he will fall into the toils of the French Emperor, and be absolutely unable to resist the schemes which he may have set on foot to effect his object. My hon. and learned Friend has just read an article from a newspaper issued under the direct authority of the French Government, and I shall not, therefore, further advert to it; but I feel assured the interesting observations he has addressed to the House are sufficient to show that Her Majesty's Government ought to exercise the utmost vigilance in this matter. The noble Lord the Secretary for Foreign Affairs knows perfectly well that I have approved—I venture to say so with all respect—of the policy of non-intervention in the affairs of Italy which he has pursued, and if the tranquillization of the country has not proceeded so rapidly as we could wish, it is owing to no fault of which we can be justly accused. It is to be attributed rather to the presence at Rome of a French army, for I do contend that army is maintained there, not for the purpose of protecting the liberties of Italy or upholding the authority of the Pope, but solely with the view of insuring to the Emperor of the French some ultimate guarantee in the shape of a cession of territory either in the Island of Sardinia or elsewhere. That being so, I venture to second the Motion of my hon. and learned Friend, and I beg the noble Lord the Secretary for Foreign Affairs to direct his serious attention to this subject. Rumour says the noble Lord is about to leave this House for "another place," and I am quite sure I but express the opinion of every hon. Gentleman here when I say that by his removal from among us we shall lose one of the brightest ornaments of this assembly. I must on public grounds also give utterance to the hope that the country will not by the change be deprived of the services of a man of the noble Lord's enlightened experience, but I must at the same time observe that I do not like to hear the indisposition of England to go to war so frequently paraded. That is an expression of opinion to which I have listened more than once both this year and last. The noble Lord at the head of the Government, indeed, received the other day a deputation, I think on the subject of the slave trade, and he said upon that occasion—

> "Spain had acted with great insincerity, and no doubt had given ample cause of war, if this country chose to resort to force. But he doubted if House of Commons would respond to the call for war on such grounds."

Now, I agree with my noble Friend in this respect, but I do not see why we should be so anxious to lay before the House and the public the indisposition of the country to go to war on trivial grounds. God forbid we should ever resort to hostilities under such circumstances, but the country, as well as my noble Friend, knows well that the force and strength of a Government depend, not so much upon its declaring its reluctance to enter into war, as upon its avoiding the possibility of such an event by the dignity of the policy which it pursues. That is the policy which I would ask the noble Lord the Secretary for Foreign Affairs to pursue in this case. There is no reason why, if we follow out such a course manfully, we should, therefore, immediately rush into arms to vindicate our position. I will merely add the expression of an anxious wish that the noble Lord will not allow his vigilance to relax in this matter. The Island of Sardinia is included in the great national movement towards Italian liberty. Her Majesty's Government have acknowledged the Kingdom of Italy, and this cession of the Island of Sardinia would, I contend, be an infringement of the principles by which in that acknowledgement they have declared their readiness to abide. The proceeding is one, it is true, which may be calculated to add another bright page to the history of France in the reign of the present Emperor, but it would, if carried into effect, be in direct contradiction to the principle of Italian unity, and be an outrage and an insult on Italian independence. Nay, more, this cession would so violently disturb the present position and balance of power in Europe that we should ultimately be obliged to interfere, and I now take the liberty of telling Victor Emmanuel, as one who is deeply interested in the progress of Italian liberty, that if this island is handed over to France a blow will be struck at the maritime power and legitimate influence of this country which will unquestionably have the effect of alienating from him and his Ministers the confidence and sympathy which happily the people of England and their Government have hitherto so generously manifested in favour of Italian independence.

MR. BAILLIE COCHRANE observed that the two hon. Members who had just spoken had dealt with the question under discussion principally as affecting English interests, and he wished to deal with it in the same point of view. There were, however, some remarks which had fallen from the hon. Baronet which had, he confessed, caused him not a little surprise. Both his hon. Friend and the hon. and learned Gentleman who introduced the Motion insisted strongly upon one point—namely, that for a long period of time antecedent to the secession of Savoy and Nice to France, there was an understanding with Count Cavour that the cession was to be made, and yet his hon. Friend quoted the speeches of Count Cavour, in which he stated that not one inch of Italian ground would be ceded to France. According to the statement of his hon. Friend the conduct of Cavour was most extraordinary. Count Cavour, it appeared, had entered into secret treaty with France for the cession of Savoy and Nice at the very time he was stating there was to be no cession of territory to France. Now, if that were really the case, it was a subject of marvel to him that the hon. Baronet should have passed upon the statesman who had been guilty of such conduct an eulogium so flattering as he had upon a former occasion pronounced in that House. But, be that as it might, the hon. Baronet had proceeded to quote extracts from the speech of Baron Ricasoli. The hon. Baronet said he approved the policy of Baron Ricasoli; but did he go to the full extent of the policy shadowed forth in the speech? [Sir ROBERT PEEL: I do.] Then it was important to see what that policy was. In the speech to which reference had been made Baron Ricasoli went on to say—

> "What the King's Government sees is a territory to defend, a territory to recover. It sees Rome, it sees Venice. To the Eternal City and to the Queen of the Adriatic it turns the thoughts, the hopes, the energies of the nation. The Government feels the heavy task that lies before it. With God's help it will fulfil it. Opportunity matured by time will open our way to Venice. In the meantime we think of Rome. Yes, we will go to Rome."

Then follow these remarkable words:—

> "We will go to Rome hand in hand with France."

He (Mr. Cochrane) would like to know what view Her Majesty's Government took of that policy, and whether the noble Lord had taken any notice of that extraordinary declaration? The question did not stop at the possible cession of Sardinia. He fully agreed that there was a secret understanding respecting the Island of Sardinia, and he begged to call attention to what they might anticipate the state of Italy would be should such a cession take place. The accounts from the South of Italy were worse and worse. There existed what was called a state of brigandage; but the feelings of the country were deeper than could be expressed by that term. It was, therefore, doubly important to see that nothing should occur to disturb the present state of Europe, and they should also recollect that no faith was to be placed in the pledges and promises given by France. It appeared that there had been representations made by the French Government to the Swiss Confederation, in which they insisted upon a further cession of territory, and the noble Lord would, of course, know whether that was correct or not. It was stated that M. Thouvenel had gone on to say that he would not discuss the matter any further. He should ask the noble Lord not only to answer the question put to him, but go further and tell them what was the advice given by the English Government to the Sardinian Government. English interests required that every Government should be conducted upon the principles of justice, and according to those treaties which had been grossly violated.

MR. CAVENDISH BENTINCK said, that one advantage resulted from these discussions—that they proved that there was no apathy in England as regarded foreign politics. In the present day all men's minds were unsettled, and, although there was no expectation of war, there was no confidence in the maintenance of peace. Commerce was stagnant; the funds were almost at a war price; and, as had been well said elsewhere, Europe was in a state of armed truce. He feared the disturbing influences had been aggravated by the political principles laid down, and the admissions made which had tended to diminish the force of treaties. No greater proof could be given of the disorganized state of our foreign relations than these repeated discussions about annexations. First, there was the annexation of Savoy and Nice. When that was settled there came a question of Chablais and Faucigny, which in its turn was followed by the question of the French Switzerland, and now they were talking of the apprehended annexation of the Island of Sardinia. He was bound to say that, in his opinion, if the Government had pursued a more vigorous and consistent line of conduct they would not have heard of any more annexations. In the course of last year the policy of the present Government underwent a change. In the debate which led to the defeat of the late Government the noble Lord the present Prime Minister taunted the Earl of Derby's Government with having misapprehended the state of things abroad; and argued that they had threatened France and had patronized Austria, and thought that all danger of aggression arose from France, while in truth Austria was the aggressive Power. The noble Lord, now Foreign Secretary, also maintained upon that occasion that the true policy of this country was alliance with France, but that the late Government had weakened that alliance. But when events had shown that France was from the first the aggressive Power, and that there was a secret treaty between France and Sardinia that they were to attack Austria and divide the spoils. The noble Lords opposite found themselves in a position of great perplexity. He, therefore, admired the manly speech of the noble Lord (Viscount Palmerston) in the last days of the last Session, wherein he expressed distrust of France, and said that thenceforth forethought and precaution was the duty of every Power. He rejoiced at hearing the noble Lord utter that sentiment, and admit at the same time that he had been deceived and had wronged the Earl of Derby's Government in the debate upon the vote of want of confidence. It was creditable to the great Conservative party, to the right hon. Member for Bucks, and to the hon. Member for Horsham (Mr. S. FitzGerald), that they had not attempted to embarrass the Government in its foreign policy, but, on the contrary, had pursued a patriotic course, and had endeavoured to assist the Government in every way. If the relative positions of parties had been changed he did not think the noble Lords opposite would have been so forbearing. The policy indicated in the speech of the noble Lord the Prime Minister at the close of last Session had for its logical consequence the celebrated despatch of the 31st of August, in which the noble Lord the Foreign Secretary told Sardinia that England would not tolerate aggression on her part, and hinted that England had interests to guard in the Adriatic. If the principles of that despatch had been acted upon we should have heard no more of other annexations; but afterwards it appeared that the noble Lord forgot all about the necessity of precaution and forethought. He wrote a despatch on the 29th of October, laying it down that every State and part of a State had a right to choose its own rulers. He favoured the Sardinian intrigues and the expedition of Garibaldi; and thus, opened the door to every species of aggression and spoliation. It had been argued in justification that the noble Lord had contributed to the unity of Italy, and had outwitted the French Emperor in his schemes. He (Mr. C. Bentinck) differed from both those statements. It was quite true that by the suggestion of the non-employment of force, the noble Lord placed an instrument in the hands of the French Emperor by which he was enabled to get rid of the provisions of the Treaty of Villafranca; but, if even there had been any serious intention of executing those provisions on the part of the French, the assistance of the noble Lord would not have been wanted for there could be no doubt that Austria would have stood true to her engagements. It was clear that if the Treaty of Villafranca had been executed Savoy and Nice would not have been immediately annexed to France. The terms of the agreement between France and Sardinia were to the effect that Savoy and Nice were to be ceded to France only in the event of Lombardy and Venetia being conquered by France for Sardinia. If the Treaty of Villafranca had been carried out, France could have taken Savoy and Nice only by some violent proceeding; but when the noble Lord opposite succeeded with the French in overthrowing that treaty, Savoy and Nice fell to France as a necessary consequence. On the annexation of Romagna and the Duchies to Sardinia, the noble Lord was not consistent in his argument as to the non-employment of force, because he had not objected to force in the subjugation of Naples by Piedmontese troops; nor could it be said that the result of his policy had been to diminish French influence in Italy. Great mystery hung about all the negotiations between France and Sardinia, and it was to be apprehended that the danger of annexation was greater than ever. It was certain that the French Government had been a party to the invasion of Umbria and the Marches by Sardinia, and that they had also sanctioned the invasion of Naples by Piedmontese troops. The denials of France with respect to the Island of Sardinia would be almost diverting if they were not likely to be so tragical in their consequences. M. Thouvenel had asked how it could be supposed that France wished for an island which was in such a state of barbarism that it was a disgrace to the Sardinian Government? But it was the alleged barbarous rule in Naples and in Sicily that was used as a justification of the invasion of those territories. The noble Lord had virtually admitted that the ballot-box was to decide the fate of nations; for, although he had altogether objected to the ballot-box and universal suffrage in Savoy and Nice, yet, with singular want of logic, he had approved it both in Naples and Sicily. He hoped the noble Lord would tell the House where the policy of the ballot-box was to stop. He was as much in favour of Italian liberty and unity as any man in that House, but he was certain that even a united Italy would prove no barrier to France. France was gradually encroaching on Italy. She possessed Corsica and Nice; she was in occupation of Rome, and it was as idle to expect that Civita Vecchia would be given back to Italy as that Calais would be restored to England. He hoped, therefore, that the noble Lord would accede to the Motion, and would give the House every possible information on all the points mooted by the hon. and learned Member for Bridgwater and subsequent speakers.

MR. STIRLING thought the House was much indebted to the hon. Member for Bridgwater, not only for bringing this subject forward, but also for the watchful eye which during the last two years he had kept on the intrigues of the Emperor of the French. It was impossible not to remember how last Session the hon. Member week after week addressed questions to the Government about the annexation of Savoy and Nice; how his statements were first of all denied, then discredited, then deprecated, and at last, by the course of events, confirmed and verified in every particular. It was to be hoped that the warnings which he had on the present occasion so vigorously addressed to the Government would fall on less unwilling ears, and that the House would not be told, when too late, that England could only enter her protest against the annexation of the Island of Sardinia. He agreed with his hon. Friend, the Member for Taunton, that on its Foreign policy Government owed a debt of gratitude, not only to its supporters for their confidence, but also to the Opposition for its forbearance. No one could have forgotten that, at the very time when the questions of the hon. Member with respect to Savoy and Nice were receiving evasive and inaccurate answers from the Treasury Bench, Lord Cowley by means of private letters was keeping the noble Lord at the head of the Foreign Office fully aware of the intrigues and intentions of the Government of France. On the publication of the blue book on Italian affairs, he (Mr. Stirling) had himself called the attention of the House to the fact, which on the 23rd of April was put beyond all doubt by Lord Cowley in his speech in "another place." He could not help contrasting that state of things, so little creditable to the present Ministry, with the language held by the noble Lord and his colleagues when in Opposition towards their predecessors in office. Nothing was too severe or too contemptuous to be said of the policy of Lord Derby's Government. Lord Derby's Government, we were told, was in unsatisfactory relations with every Power in Europe. With some it was too intimate; of others it was too distrustful. Now that Lord Derby's Government had been superseded by the two noble Lords opposite, what were the most salient features of the existing relations between the French Emperor and this country? In the two years which had elapsed since the change of Government the principal historical events were these—that England had concluded with the French Emperor a treaty of commerce for ten years, that the French Emperor had taken in perpetuity a large mountain territory which gave him the keys of Italy and Switzerland, and that he had also increased his dominions by a long stretch of Mediterranean coast, which would greatly aid in the development of that great naval force which every month saw growing at Toulon. There never was a Government which more peculiarly owed to that House and the country all their exertions to prevent the annexation to France of the Island of Sardinia, which his hon. Friend had shown such good grounds for fearing was about to take place. Last year they were told that, however we might condemn the circumstances under which the cession of Savoy and Nice had taken place, England was not materially interested in the question. They were not of vital importance to her, and besides, she could not possibly have prevented the cession being made. Would that be said of the Island of Sardinia after the opinions which his hon. Friend had quoted from the correspondence of Lord Nelson as to its importance to our position in the Mediterranean? Surely it was the duty of Her Majesty's Government to tell the French Government, in the most firm, though courteous terms, that the cession of that island would not be allowed under any circumstances. Out of this question, important as it was, there arose another of still greater importance. How long was the Emperor, by his own acts and deeds, to make himself an object of distrust to Europe? There was a small minority in that House, consisting of Gentlemen whose intellectual qualities he greatly respected, and whose patriotism he did not presume to doubt, who maintained that distrust of the Emperor was on our part unjust, and that he might more justly be distrustful of us. But what were the facts of the case? It was said we were under great obligations to the Emperor as a good and faithful ally, and especially as the author of the recent treaty of commerce. He was quite willing to admit some of these obligations. The Emperor had certainly shown in part of his conduct that he wished to be on good terms with this country. Had it not been that the negotiations for the treaty of commerce were simultaneous with the cession of Savoy and Nice, which he could call by no other name than a trick, he should have said that treaty did lay us and Europe under considerable obligations. It was a beneficent though an arbitrary act, which, in some degree, redeemed a despotism founded on the destruction of French liberty. But under present circumstances it was impossible not to connect that treaty of commerce with the aggressive designs of the French Emperor. At all events, whatever our obligations to him in respect of the treaty, and of the improved position and prospects of Italy, was there not another side to the balance-sheet? Did we not owe to him the Russian war, arising, as it did, out of his intrigues in the East? Above all, did we not owe to him our enormous naval and military expenditure? In 1850, before the *coup d'état*, on which the Emperor's despotism rested—an act of which the noble Viscount, the head of Her Majesty's Government, had expressed a hasty, and, he must say, an un-English approval—our Naval and Military Estimates were only £15,500,000. They had since gone on steadily increasing till they were £26,500,000. In addition to this we had the expense of the fortifications, and the hardly-to-be-calculated cost of the Volunteer movement. He believed he was understating the amount if he said that military despotism in France did not cost England less than from £15,000,000 to £20,000,000 a year. He thought the science of diplomacy might find terms in which the Emperor might be asked how long he was going to play at this game of beggar-my-neighbour, not only with England, but with all Europe. It might be hinted to him, in diplomatic terms, that, however ruinous to other nations, such a policy must in the long run prove most disastrous to that Power whose foundations were least secure, which did not rest on a broad and popular basis, but on the surprise and overthrow of the liberties of a people. He hoped the noble Lord would firmly and decidedly inform the Emperor that those vast naval armaments which he had compelled us to create and maintain might, if the necessity of using them should arise, possibly be found a considerable impediment in the way of his occupying the Island of Sardinia.

LORD JOHN RUSSELL: Sir, I must say I think the hon. Gentleman who has just spoken shows a very considerable forgetfulness of facts. In the first place, with regard to Savoy and Nice, it was during the Government of the Earl of Derby that my hon. and learned Friend the Member for Bridgwater (Mr. Kinglake) informed me that he had received information to the effect that, in return for the assistance the Emperor gave to Sardinia in the war with Austria, the provinces of Savoy and Nice were to be yielded to France. Did I bring that forward or urge my hon. and learned Friend to bring it in the House of Commons as an accusation against the Earl of Derby's Government? What I advised him to do was to go to the Earl of Malmesbury, and apprise him of the information he had received. He did see the Earl of Malmesbury, who made inquiries on the subject at Paris; but if the Earl of Derby's Government had thought that it was a question on which England ought to go to war with France, it was for the Earl of Malmesbury to declare that resolution on the part of the Earl of Derby's Government. The Earl of Malmesbury did not take any such course. And when the war was impending, the Earl of Derby and the Earl of Malmesbury were quite unable, although they made efforts in that direction, to prevent that war from taking place. Did my noble Friend and I reproach the Government of the day for the course they pursued? There were arguments that might have been used to show that the efforts of the British Government might have averted that war; but it seemed to me that it would not have been just to say that any recommendations could prevail in that state of things, and, accordingly, I never uttered a word of reproach of the Earl of Malmesbury, in consequence of the course which the Government then took. I think all the time we were in opposition with reference to foreign affairs my noble Friend and I showed very great forbearance in regard to the conduct of the Earl of Derby's Government. I have always said in this House, and to this day I am ready to say, that I think the Earl of Malmesbury was a very efficient Minister of Foreign Affairs, and that the general course of his policy was the right policy to pursue. Both in this House and before my constituents I defended the course of neutrality he pursued in regard to the war. There were some things said by the Earl of Derby at the beginning of the war which I did not approve, and these words were afterwards explained away in a speech made by the noble Earl at the Mansion House. I have nothing to reproach myself with in the course I pursued in regard to his Government. The hon. Gentleman who spoke last but one has certainly somewhat mistaken the facts, because he said that, although I talked of the invalidity of universal suffrage in regard to Savoy and Nice, I never said a word as to the invalidity of universal suffrage in regard to Naples and Sicily; and, therefore, there was a remarkable inconsistency on my part. Now, if the hon. Gentleman will refer to my despatch upon that subject to Sir James Hudson, he will find that I distinctly stated that with respect to Naples, Sicily, Umbria, and the Marshes, the taking of votes by universal suffrage "appeared to have little validity," and I went on to show why, in the opinion of Her Majesty's Government, they had little validity. The hon. Gentleman, however, says that I fell into a remarkable inconsistency, because I allowed the validity of that vote in Naples and Sicily, while I denied its validity in Savoy and Nice. Really, if hon. Gentlemen will come forward and enter into long disquisitions for the purpose of attacking the foreign policy of the Government, they should take a little more care and not state as facts what are totally remote from the real truth.

With regard to the main object of this debate it is, no doubt, a very important one. With regard to the question of Sardinia, I entirely admit the importance of that island, and I have in despatches repeatedly expressed my opinion that the annexation of the Island of Sardinia to France would be a great disturbance of the territorial distribution of power in Europe, and would more especially affect the distribution of power in the Mediterranean. It may be an object of desire and ambition to an ambitious Power; but I must put in the balance the consequences—the very grave consequences which would follow from any attempt on the part of France to annex the Island of Sardinia. It is not a transaction which could take place merely between the Emperor of the French and the King of Sardinia. It must put an end at once to any intimate alliance between this country and France. The importance of the island is very considerable; but at the same time I must say it is not my opinion that the Government of the Emperor of the French will attempt to annex the Island of Sardinia, seeing the grave consequences that would ensue. What has happened in the present spring is nearly as follows:—About the month of April, I think, there appeared in a journal published at Cagliari an intimation that French agents were active in the Island of Sardinia. Soon after that there followed a despatch sent by Sir James Hudson, from Her Majesty's Consul in the Island of Sardinia, saying that he believed there were French agents busy in the island, although he had not, I think, then any very accurate details on the subject. Further inquiries were directed to be made, and the inquiries so made by the Consul, who has been many years there and is a most intelligent man, conveyed very conflicting information. There was one person described as having been to several places and having spoken of the benefits to be derived to the island from annexation to France. There were other accounts that no such attempts had been made; and men who knew the island said that very few persons, indeed, had been spoken to on the subject. Then there came what might naturally have been expected—an appeal in the first place to the Government of Turin with respect to these rumours. They were in the first instance denied by a telegraphic message from Count Cavour. Soon after Count Cavour's death Baron Ricasoli stated emphatically what has been read here as part of his speech, but he stated it verbally to Sir James Hudson—namely, that Italy had no intention of yielding an inch of her territory; that there was territory which ought to belong to Italy which did not belong to her, but that there was no territory which she possessed that she was ready to give up. My hon. and learned Friend who brought forward this subject said that when Baron Ricasoli spoke of Italy and of Italian soil he might not have included the Island of Sardinia. At the same time my hon. and learned Friend stated his belief that Baron Ricasoli is a man of character and of honour, and that he would not violate his word. Sir, all that I know of Baron Ricasoli, of whom, although I have had a very slight personal acquaintance with him myself, I have heard others speak who have had much intimacy with him, confirms that description. He is a man, perhaps, somewhat proud in his manner, less conciliatory in his bearing than Count Cavour; but he is a man of the highest honour, the highest patriotism, with an honest ambition to acquire a name in Europe by contributing to the establishment of the independence of his country. But, if he said that he would not give up an inch of Italian soil, and was afterwards found engaging in intrigues with the view of transferring the Island of Sardinia to France, I should say that he was one of the meanest equivocators that ever existed. Equivocation, I am convinced, forms no part of his character, and that such a thing would never enter the head or be shown in the conduct of Baron Ricasoli. We have always spoken of the soil of Italy as, of course, including the Island of Sardinia, and have never had a contradiction to that statement. Well, I believe the Baron Ricasoli does not intend to give up the Island of Sardinia.

On the other hand, when we have applied, as we were bound to do, to the Government of France on the subject, they have not only given the most positive contradiction to the rumour, but when M. Thouvenel was told that there were French agents, perhaps busy voluntary agents, in that Island, he said he would write at once to the Consul to disavow any such agency—to put an end to any such meddling there. Well, an hon. Gentleman has asked what is the use of obtaining denials. Why, I think if I had not asked the Governments of France and of Italy what was the truth with regard to these rumours I should have been accused, and very properly accused, of neglecting my duty in that respect. Sir, I admit—one must admit—that in the present state of Europe, and seeing what has passed during the last three or four years, it would be very unwise in the Government of this country, very unwise also in the Parliament of this country, to rest in a blind confidence that there would be no aggressions, no annexations, no ambitious projects entertained. The Emperor of the French is very powerful. Everbody sees the great power that he possesses. But, at the same time, if it was his intention, as I believe it is his intention, to preserve the peace of Europe and remain upon the most friendly terms with England, I am not at all sure—I cannot rest in any perfect confidence that the state of public opinion in France, that the state of opinion in the French Chambers or in the French army, might not in a most sudden manner alter the whole policy of the Government. That has happened with past Sovereigns of France, and I think we should be very unwise if we thought we had a security that it should not happen again; and, therefore, what my hon. and learned Friend the Member for Bridgwater said—and the hon. Baronet the Member for Tamworth spoke in the same tone—was that there were two things which we ought to do:—In the first place, we ought to be very watchful with regard to the events which are taking place in Europe. Those events, be it remarked, are not altogether connected with the policy of Sovereigns and of Courts; it is not merely that this Sovereign has shown too much ambition and another has disregarded treaties. There is much more in the condition of Europe than that statement of itself would imply. There are great movements going on in different parts of Europe of which the movement in Italy was perhaps only the first—great movement of popular bodies and of whole nations discontented with the Governments under which they have lived, asking for better forms of Government, and looking out for aid by which they may obtain them. Why, what results from such a state of things? What but uneasiness, proceeding perhaps to civil convulsions, to insurrection, to wars, and producing changes of sovereignty and of possession among the Powers of Europe. Well, then, I say that that alone, without imputing to any Sovereign designs hostile to Great Britain, that alone is a reason why the Government of this country ought to be watchful, why they should be vigilant with respect to every event that takes place in Europe, and I trust that neither my noble Friend nor I have our eyes entirely shut to that which is going on around us, and that we shall not idly neglect the interests of this country whenever they may be threatened with injury. At the same time, to be continually expressing suspicion, to be making the whole state of peace uneasy, would, I think, be not only a very puerile, but a very mischievous policy. It ought to be our endeavour, and has been our endeavonr, wherever these threats of war occur, rather to compose the differences which exist and strive to reconcile those among whom discord is arising, and promote peace between them.

The hon. Baronet (Sir Robert Peel) who spoke second in this debate has alluded more than once to the question between Spain and Morocco. Our endeavours have been directed on the one hand to inducing the Sultan of Morocco to keep faith with the Kingdom of Spain, and on the other to inducing the Spanish Government to press their advantages in such a manner as may make reconciliation possible. And when hon. Gentlemen speak in a tone as if Spain was constantly acting in a state of aggression, and that the Spanish policy must be confounded with French policy, I must own that my view is a very different one. I think it should be our policy to favour and encourage the spirit of independence which prevails among the various nations of Europe. And there does prevail among the Spanish people as high a feeling of independence as that which exists in any other continental country. In other days, during the last century, owing to the War of the Succession, there was a family alliance between France and Spain, and whenever you found yourselves at war with France you also found that a war with Spain immediately followed; but there is no such family connection at present. Spain, which has been long weak, is recovering her strength; and that she should take her fitting part and fitting place among the Powers of Europe is a thing not to be checked and discouraged by Great Britain, but is rather a matter to be fostered by Great Britain as long as her own honour and interests are not interfered with by that Power. My belief is that both the Queen of Spain and her Prime Minister are favourably disposed towards this country. I have always endeavoured to assure them that we have no wish inconsistent with the greatness and dignity of Spain, and that they might rely on our friendship on any question in which they may be concerned. Look again at Italy. Hon. Gentlemen are very fond of representing Italy as a mere follower and vassal of France. Undoubtedly she is under great obligations to France, and after her long contest with Austria she owes much to the army by which she was enabled to obtain a victory that she could never otherwise have accomplished. But notwithstanding these obligations there are many matters in which she must rely upon her own spirit, and to the hand of her own sons she must owe her real independence. It is they who, like

Harmodius in giving liberty to Greece, must, in the noble lines of Wordsworth—

"Give the gift which is not to be given
"By all the blended powers of earth or heaven."

It is not in the power of France to make Italy; it is she herself who, by her own strength, and patience, and wisdom must build up and consolidate her independence, and if she does not do so, all the Powers in Europe cannot do it for her. What we have done has not been to assist in this work, but to require that other Powers should not prevent it from being accomplished; and the Emperor of the French has held the same language with regard to intervention. He has said that he would not allow foreign Powers to interfere in Italy. But while such has been his policy, it is impossible not to see that there has been among his subjects—perhaps in an even greater degree among those who are opposed to his dynasty—a feeling that the creation of an independent Kingdom of Italy, with many millions of subjects, pursuing its own policy and following out its own destiny, was an obstacle to the greatness of France. You trace that feeling in speeches, and in all the pamphlets and publications in France; they hold that it is a mistake for France to assist in forming a strong Italy. That I hold to be a great mistake on the part of French politicians, and I believe that the jealousy which is thus shown will diminish the influence which France naturally possesses in Italy. But still it is not now in the power of France to prevent the Kingdom of Italy from being constituted; and when it is constituted we shall have an additional security for the liberties and independence of Europe. It was one of the recommendations addressed to us in the course of this debate that we should be watchful with regard to all changes which might take place in Europe. With that recommendation I perfectly agree; we should be to blame if we did not act in that spirit. The hon. and learned Gentleman and the hon. Baronet added another recommendation that, while great armaments were going on in Europe, we should not disarm. That piece of advice I consider as sound as the other. It is a great misfortune for England, and it is a great misfortune for Europe, that such costly armaments should be kept up in time of peace; but we should not remedy that if we were to disarm, and to leave other nations to increase their preparations. I trust that no shortsighted view of our interests, no narrow spirit—for I should call it a narrow spirit—of saving with regard to any particular tax, will induce this country, in the present state of Europe and the world, to maintain a navy and army which are not adequate in all respects to the position we ought to occupy. Not merely the greatness, but the very safety of this country is concerned in her state of preparation. So far from increasing the probability of war, as some have thought, I believe the knowledge that this country is strong is not only advantageous for her own interests, but is a weapon in the hand of every other Power that seeks for independence and for liberty. The knowledge that this country is able, and in a just cause is ready, to assume the offensive, at the same time that she prizes the blessings which result from peace and the prosperity of her own commerce and manufacture, is, I believe, a guarantee for the independence of nations and a security at the same time for the peace of Europe. And now, Sir, let me add, in the same spirit in which I have spoken—that of discountenancing needless and irritating suspicions—that I think it my duty not to agree with the Motion for the production of papers at the present moment. When the Government think that any public benefit can be gained by the production of papers on this subject they will not hesitate to do so; but I hope the House will confide so far in us as to believe that we shall not neglect any opportunity of meeting in the proper manner any dangers which may arise.

Mr. STANSFELD said, it was difficult to exaggerate the importance of the question which had been raised. If the possibilities suggested by the hon. and learned Gentleman should unfortunately be realized in fact, they would entail the shipwreck of that great policy of non-intervention which they had made such efforts to uphold in Europe. He could not pretend to be entirely reassured by the statement of the noble Lord, for he was bound to place some confidence in information coming from the same source which had revealed to this country the contract of Plombières, and the very plan of the campaign in Lombardy before those memorable words were spoken to Baron Hübner which first woke Europe from her dream of peace. The question which had been raised by the hon. and learned Member could not exist were it not for the existence in Italy of a fact and of a policy in which we are deeply interested, not only as well-wishers to Italy, but also as Englishmen and members of the European community of nations. The policy was that which had hitherto obtained too exclusively in Italy—the policy of too absolute and too subservient a dependence upon one foreign alliance. And the fact was the long-standing and anomalous fact of the occupation of Rome by the troops of the French Emperor. What should be the policy of the councillors of the Kingdom of Italy? Italy had recently lost a great statesman, and though he had never been one of his indiscriminate admirers that was no time for a detailed criticism of his policy. After all his great labours and successes he was gone; and he might be permitted to say that it would be well for the honour of Italy, and for the peace and welfare of Europe, if all the personal engagements, or, at least, the personal entanglements of that distinguished statesman could be buried in his grave. What, then, ought to be the policy of his successors. Rome and Venice were essential to Italy, and she could not pause or dally long on the road leading to their acquisition except at the risk of fatal internal dissensions and national suicide. There were only two policies open to the counsellors of the new kingdom. The first was the policy of Plombières, which, owing to the indomitable spirit of the Italian people, had met with successes which did not at the time of its reception appear possible, but of which no one would recommend a repetition. The other alternative was that of a national Italian policy, which should rest exclusively and subserviently upon no one foreign alliance, but which, backed by the sympathies and moral weight of all free peoples, should multiply and organize the forces of Italy, so that in due time she might suffice for the completion of her own emancipation. There were great dangers to Europe in a Franco-Italian war of independence—danger of cessions of territory which might dissipate the last poor remnant of confidence upon which slender thread hung suspended the peace of Europe, danger of Germany being drawn into the war, and danger of an active alliance between Italy and France being brought into action, not upon the plains of Lombardy, but upon the banks of the Rhine. There were also dangers in an exclusive Franco-Italian alliance, if things remained as they were. Rome, in the possession of the troops of the Empire, was, as they knew, the focus of reactionary intrigues and attempts. Nor was that all. There was, as had been stated from the other side of the House, springing up in the South of Italy a spirit of disaffection to Sardinia, which was not confined exclusively to the ranks of those who were still devoted to the exiled dynasty of Bourbon. [Sir GEORGE BOWYER: Hear!] He did not wish to criticise in a hostile spirit the faults of Ministries at Turin which might have caused that disaffection, but he wished to point out the remedy. The only way to get rid of that disaffection was to adopt a truly national policy, which, trusting, not fearing the people, should rally them round the Government and its head, and should organize the immense and willing force of a nation which desired to be free. There were three bases on which a policy useful to us and to Italy ought to rest. The first was a negotiation, in the face of Europe, on the part of the Kingdom of Italy with the Emperor of the French, to induce him to withdraw his troops from Rome; the second, with a view to dispelling the disaffection in the South, was that there should be a clearly expressed intention that when once its capital was restored to Italy a National Assembly should sit at Rome, and should revise in a national sense the laws of the country; and the third was the armament, multiplication, and organization of the regular and irregular forces of the kingdom. Italy, with 22,000,000 of inhabitants, had now no more armed men at her command than her neighbour, the little Republic, Switzerland, which had but one-eighth of her population; and of the 150,000 men whom she could place in line, they were told that 60,000 were required to keep order in the South. Why was no attempt worthy of the name made to organize a system of volunteering, and thus free the Italians from their wrongful and foolish dependence upon the power and the will of their great ally? He wished to say a few words of a party of which he had some special knowledge—the party originally known as the party of Young Italy, then as the Republican, then as the National party, and, lastly, as the party of action. He neither knew nor had read of any other party which had been so much and so persistently misrepresented and maligned as they had been. In their ranks was born and nursed into a faith the idea of Italian unity. It was their faith and his when not a single English statesman believed in the possibility of realization; and but for the motive-power which they supplied that realization would have been impossible. Let them trace back, step by step, the policy of Count Cavour, and from each of those steps, whether in argument before the assembled diplomatists of Europe, or, in fact, upon the field of Italy, let them eliminate the element of the existence, the determination and the restless enthusiasm of that party, and they would find that that step in argument would have been impossible, as it would have proved abortive in point of fact. The latest achievement of that party was the most brilliant and most conclusive proof of what he said. By far the greater number of the volunteers who followed Garibaldi and regained Naples and Sicily sprung from the ranks of that party. Men who were called Republicans, led by one of themselves, died on the field of battle that monarchy might rule the destinies of the future united Italy. That party had a programme and a policy of its own, to which he would direct the attention of the noble Lord. Its programme and its policy were consistent with the declarations of the present First Minister of the King of Italy, and if that Minister would carry into action the words which he had spoken, he would rally that party round him, he would secure all the elements of the vital force of the nation, and the moral unity of Italy would be at once and for ever assured. The programme of that party was neither more nor less than the simple independent national Italian programme, good for Italy and good for Europe, which he had endeavoured to bring before the House.

SIR GEORGE BOWYER said, the noble Lord the Foreign Secretary had told them that in the case of the cession of Sardinia to France taking place an end would be put to the intimate relations which existed between this country and France. But the noble Lord had said precisely the same thing in regard to the cession of Savoy and Nice to France. And what came of it? Nothing—not even an empty protest. The noble Lord, indeed, expressed very strongly in that House his vexation at having been duped by the Emperor of the French and his friend Count Cavour; but there was an end of the matter. Previous to the accomplishment of the cession of Savoy to Nice the noble Lord said that such a circumstance must cause England to seek other alliances, and must put an end to the friendship which existed between this country and France. In consequence of that statement there appeared in Paris one of those semi-official pamphlets to which they had been so much accustomed of late years. The author of that document at once met the noble Lord on his own grounds, and asked very pertinently, where was England to find other alliances upon which she could fall back when she lost the alliance of France? And he went on to show that the foreign policy of the two noble Lords on the Ministerial bench was one which was calculated to alienate from England every nation on the Continent, and to cause the English Government to be looked on with distrust by every nation in the world. Now, that was the very thing which he (Sir George Bowyer) complained of. The noble Lord talked with great indignation of the cession of Savoy and Nice to France; but he (Sir George Bowyer) contended that it was in a great measure brought about by that policy which the noble Lord encouraged. And when Sardinia was ceded to France—as he believed it would be—that result might be charged to the policy of the noble Lord himself. He thought the House ought to feel deeply indebted to the hon. Member for Bridgwater for having pointed out in his speech that night—a speech characterized by great clearness of expression, almost judicial impartiality, and thoroughly statesmanlike views—the dangers which the Government seemed ready to ignore. The noble Lord had assured them that Baron Ricasoli was an honourable man, whose word was to be trusted; but the noble Lord also said that Count Cavour was to be believed, and they knew how strongly that Minister had denied the cession of Nice and Savoy, and what that denial was worth. What ground was there for placing more confidence in Baron Ricasoli than in Count Cavour? Was the denial given by Count Ricasoli less worthless than that of Count Cavour? The noble Lord had refused to produce the papers asked for. That fact alone spoke volumes. If the whole matter were fair and above board, what objection could the noble Lord have to produce those papers? If there were nothing in them but questions addressed by the Government of England to the Sardinian and French Governments, and plain straightforward denials by those Governments of the truth of those rumours, surely the noble Lord could have no fear about their production. But the noble Lord's refusal showed that there was something going on on the subject of the cession of Sardinia to France, and that England was endeavouring weakly and impotently to stop it. He defied any person to put any other rational construction on the refusal of the noble Lord to produce those papers except the report was true, and he (Sir George Bowyer) believed that that cession would take place. The noble Lord, no doubt, would then again express his vexation and annoyance in having been duped by the Emperor of the French, and there would be an end of the matter. What he wished to impress upon the House was the extraordinary inconsistency of hon. Members and Her Majesty's Government on that subject. When anything was done affecting the interests of this country the Government made an outcry about it, and hon. Members talked of the violation of treaties and of the law of nations. But they were perfectly ready to applaud any attack on the lawful rights of Sovereigns, any destruction of treaties, or any violation of the law of nations, if it suited what was called "public opinion" in this country. They pandered to sectarian prejudice, and made use of popular opinion to keep themselves in office. No act of the character to which he had just referred succeeded in arousing their indignation, if it did not touch their own interests or the interests of their party. We were told the other day in the paper which was supposed to express—and which really did to a great extent express—the opinions of the people of this country; that the great reason of Count Cavour's popularity in England was, that he was an enemy of the Pope. [Mr. WHITE: Hear, hear!] The Government kept themselves in office by supporting that policy on which Count Cavour acted. The Government supported the revolutionary party in Italy and in that House—not that he believed that they had any real faith in the opinions of that party, but simply because they knew it was popular in the country and would help to keep themselves in power. The Government encouraged revolution all over the world, and especially in Italy. He was glad to see his right hon. Friend the Chancellor of the Exchequer taking notes of what he said, because he believed him to be the chief offender. Even the noble Lord's own supporters said that the Earl of Derby might come into office on the next day, and get the support of the country, but what the noble Lord rested upon was his foreign policy. The Earl of Derby was supposed not to be so favourable to what was called the revolutionary party as the noble Lord. It was constantly repeated in political circles that if the noble Lord went to the country during the Session, he would go on his foreign policy —upon a cry against the established Governments of Europe, and especially against the Pope. The Emperor of the French made use of the revolutionary party as his tool to effect his ulterior objects. The first Emperor carried his points chiefly by great armies. The present Emperor carried on his policy partly by arms, and still more by the engine of revolution. If he wanted to cripple a country he stirred up revolution. If he wished to have territory ceded to him, he encouraged the revolutionary party. He made use of Piedmont to revolutionize Italy, and to obtain Savoy and Nice. It was very well to talk of an united Italy; but they all knew that Italy was not united, nor ever would be so. The King of Sardinia was but the satrap of the Emperor of the French. It was avowed by M. Ratazzi, in the Piedmont Chambers, that the King of Sardinia could not refuse the Emperor of the French anything. And he went on to say that the Government of the Pope, which was physically the weakest, when asked to make a cession of territory, said *Non possumus;* whereas, their Government, which was the great standard of nationality in Europe, could not use that language, but must submit if the demand were made by the Emperor of the French. The policy of the noble Lord opposite placed Italy at the feet of the Emperor of the French. That had been the effect of what was called "non-intervention." He believed that if the Emperor of the French thought that the cession of the Island of Sardinia to France would increase his popularity and strengthen his dynasty, he would bring it about. He would take Sardinia if it suited his purpose, and treat our protests with contempt. Her Majesty's Government had given their sanction to and introduced into the public law of Europe the principle that *la propriété c'est le vol;* and, as a consequence, their protests in such a case could be disregarded by those to whom they might be addressed. The right hon. Gentleman the Chancellor of the Exchequer had shown the most bitter animosity against the deposed Princes of Italy. The right hon. Gentleman stated that the

Duke of Modena had made a retro-active law, under which persons could be executed who could not be executed under the existing law. Hon. Gentlemen cheered him loudly, and went home under the impression that some person had been put to death. The right hon. Gentleman was forced to come down to the House and state that the person to whom he had referred had not been put to death. The attacks of the right hon. Gentleman on the deposed Princes were part of the system of which he complained. The hon. Gentleman who preceded him had admitted that the rule of the King of Sardinia had not produced happiness and contentment in Southern Italy, and that disaffection existed in the kingdom of Naples. But what had been the cause of that disaffection? They saw the organs of the press continually calling out for more severity because the Neapolitans did not wish to see their country a province of Piedmont; and the Neapolitans were to be butchered because they would not submit to a Viceroy sent from Turin. Hon. Gentlemen on the Government side of the House sympathized in the claims of Hungarians and Poles for independence; but why, he asked, was not Neapolitan independence also to be respected? The people of Naples were burdened with heavy taxation. They were governed by military law, and the prisons, he was told, were crammed with 13,700 persons on account of political offences. The whole country was in a state of insurrection. The hon. Gentleman called it disaffection; but he called it loyalty to their rightful Sovereign. Some little had come out as to the real state of the country, but not one-tenth part of the facts, because they were not acceptable to the English people, and, therefore, the English papers did not publish them. He believed that the noble Lords on the Treasury bench knew a great deal more than they chose to say. They had produced only some meagre letters from some Government understrapper at Naples; but those letters gave no more idea of the true state of the country than if they had been written from Cochin China. The whole country was overrun by bands of men faithful to their King, who were defeating the Piedmontese and disarming the National Guard in every quarter of the kingdom. And those men were all to be got rid of. It was stated that 600 brigands had gone from Rome. It was perfectly ridiculous to call them brigands. But he would tell them what did take place. A body of men, near Severino, encountered some of the Hungarian Legion. The Hungarians said, "We cannot fight in the mountains; come down into the open plain and fight us." They did come down into the open plain, and not only fought the Hungarian Legion, but gave them a thorough good thrashing; and those were the men who were called brigands. The people had been deceived, but truth would in the end prevail. He believed that before long there would be a general rising in the South of Italy, and that it would be impossible for the Piedmontese to retain their hold except by cruelties and bloodshed, which would be applauded by the Liberal Members in that House. The people of Italy were beginning to open their eyes and to repent not having opposed foreign invasion. Before long they would see the King of the Two Sicilies again in possession of the dominions to which he was entitled. The deprivation of the King of Naples, the violation of the temporal rights of the Pope, and the deposition of the Italian Princes suited the views of some constituencies, and would enable Her Majesty's Ministers to raise a useful election cry; but they should remember that the consequence would be a cession of territory, an increase of the power of France and a diminution of the power of England. He had said on a former occasion that the policy of the noble Lord might be Italian or Liberal; but it was certainly revolutionary. It was founded on clap-trap and adapted to party purposes; but it was not calculated to promote the honour or the interests of England, and at no very distant day would receive the contempt of an indignant people.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I feel bound to acknowledge without any delay the compliment which my hon. Friend has paid me, for he has gone so far as to introduce me under the honourable title of the chief offender. That is, he does me the honour to say that I am the main promoter of the designs of what he calls the revolutionary party in Italy. If I thought he really knew who are the revolutionary party, I should disclaim the compliment; but I think it a great honour to be called the chief offender in promoting the designs of those whom he intends to designate when he speaks of the revolutionary party. What he thinks the revolutionary party are, in my conviction, the real friends alike of freedom and of order. And my hon. Friend does me a great deal more than justice when he calls me the chief offender in promoting their designs in the presence of two noble Lords, whose authority, whose experience, and whose services entitle them to the withering denunciations of my hon. Friend in a far higher degree than I can possibly aspire to. If I were to speak of the true revolutionary party—if I were to speak of those agencies which produce disorders in the States and disorganize society, then I could tell my hon. Friend who in this House is the chief agent of that revolutionary party and has done the most to favour them. Himself! Those whose cause, I must say, he so constantly, so courageously, and in manner and temper so inoffensively recommends and pleads are those who have been the great promoters of revolutionary movements. My hon. Friend deals partly in matters of fact and partly in matters of argument. He says that all the people of Southern Italy are repenting what they have done in promoting and concurring in the rejection of the Bourbon family. My hon. Friend comes forward and claims, as usual, the absolute and implicit reception of his statement, and as, unfortunately, the papers laid on the table to bear no indication of this popular repentance, he is perfectly ready with a remedy, for he denounces the papers of the accredited diplomatists of this country as the productions of understrappers and underlings, intended, or, at all events, calculated, to blind the eyes of the people of England. He asks us to accept his unsupported assertions, without any evidence to corroborate them, in direct opposition to the statements which are received from the authorized agents of the Executive Government. So much for the fact—and what, then, is the main argument of my hon. Friend? He says to my two noble Friends, because you have taken an active part by the moral support you have given them, in enabling the Italians to regulate their own concerns, by that atrocious act of conspiracy in favour of the liberty of that long oppressed people you have forfeited all right to consider anything which relates to the balance of power and the security of peace in Europe, and if that balance is destroyed and that peace broken, it is on account of the active support you have given to the cause of peace and order in Italy. I cannot help thinking that if my hon. and learned Friend the Member for Bridgwater (Mr. Kinglake) had heard the speech of my hon. Friend who has just sat down, if he had heard the warm compliments which were paid to him in that speech, he would have listened to it then with a sort of cold, chill sensation. Though the sentiments and aspirations of my hon. and learned Friend the Member for Bridgwater differ much from those of the hon. Member opposite, yet my hon. and learned Friend does take, I think, a gloomy view, and shows considerable susceptibility in his estimate of those phenomena which from time to time mark the progress of events in Europe. All this, however, plays admirably into the hands of the hon. Member for Dundalk. Two years ago it was his business to assure us that the people of Italy were living under the best Government in the world. Now he has precisely the opposite task to perform, and whatever tends to excite and foment rumours, suspicions, and misgivings with regard to proceedings in France, Italy, or anywhere else, connected with the peace of Europe—all that is so much grist to his mill.

On the subject of the Motion before the House I will only say that if there be any indications that this grave and serious event, of the cession of Sardinia, is contemplated either in Italy or France, such indications are certainly unknown to me. This I may point out to my hon. and learned Friend in regard to what he said of the French alliance. When the Government of England conspires and combines with the Government of France for an unworthy purpose, then, by all means let him denounce the alliance between the two countries. But I venture to think the true merit of the alliance between the two countries is this—that it is an alliance that never can be turned to any unworthy purpose, for directly either one country or the other shall attempt to substitute a selfish, aggressive, or lawless purpose for purposes which contribute to the general good, that moment the other country is sure to become the first witness against it, and the rupture or weakening of the alliance itself will bear witness to and prevent the mischief which is intended. But why is it that the hon. Member for Dundalk is so jealous of the alliance of England and France? Is it because of the mischief that alliance has done or the good? If England had actively concerted with France to send troops to Rome, or to support the Bourbon dynasty in Naples, my hon. Friend would have been the first to trumpet to the world the merits of that alliance. The censures bestowed on that alliance by the hon. Member for Dundalk really amount to nothing short of a clear demonstration that its effect on the whole—though in certain respects it may have been impaired by causes to which I need not now refer —has been conducive, as respects the Italian question, which is the hon. Member's real test and criterion, to the attainment of those objects which we highly value and appreciate, but which he, unfortunately, thinks injurious and mischievous. The hon. Gentleman says—and no charge could be more unsupported, or more directly confute itself—that the two noble Lords have acted in this matter as the heads of a party, and to serve the interests of party. He himself, however, in other parts of his speech betrayed his consciousness that the chief characteristic of the policy pursued by them with regard to Italy is this, that it is not a party, but a national and British policy. It has been challenged by no party in this House, and it is not a policy which tends to set up the interests of one party against another, but it is a policy which explains, represents, and applies that which may be said to be the general and cordial sentiments of the whole people of this country. I cannot help saying one word on a speech very different in its order from the speech of the hon. Member for Dundalk; I mean the speech delivered by the hon. Member for Halifax (Mr. Stansfeld). The able and powerful speeches of the hon. Member are always listened to with delight, and no one listens to him with greater pleasure than I; but my admiration of his ability was somewhat qualified to-night by the peculiar tone he took and the comparative narrowness of the ground on which he placed his advocacy of the Italian cause, limiting himself as he did to a particular class and a particular school of politicans. He says he wishes to speak on behalf of what he calls "Young Italy." I believe I speak the general sentiment when I say that it had been my hope that young Italy had within these last times grown a little older. On some occasions young Italy has shown itself somewhat too young for the management of practical affairs. The exhibition of the agency of young Italy is to be found in the events of 1848 and 1849; it is the agency of an older and a wiser Italy which has given a sounder, firmer, and more beneficial direction to the course of events in that country during the great crisis and the agonies of the last two years. The hon. Gentleman says that young Italy has been the parent and author of all the great ideas of Italian unity. I am not prepared to dispute that proposition. It is very probable that in the speculative minds of these ardent spirits those ideas may, for the most part, have taken their birth. *Sic vos non vobis nidificatis aves*, and so on. It may be that that which is the universal law of human events may also have prevailed in Italy—that the original thinkers and parents of ideas are one set of men, but that the application of those ideas and the practical solution of political problems are given to another. The hon. Gentleman said he thought there was a good deal of disaffection among the people of Southern Italy; and observe how that valuable admission was gathered up from the ground by the hon. Member for Dundalk. Let the truth be told if it be the truth, but I can find no evidence of it. It certainly is not in the official papers laid on the table. They bear no indication of popular disaffection. I will not dispute with the hon. Member for Dundalk whether it is brigandage or not, but the only proof of disaffection which he gave was a story of a body of 600 men, who came from Rome into the Neapolitan territory, who he says being on the top of a mountain were invited by the Hungarians to come down to fight the affair out. Well do not let such noble-minded persons who disdained to take advantage of a strategical position be called brigands. Call them what you will; let them be the flowers of knighthood, the bloom and pride of chivalry from the days of King Arthur to those of Charlemagne —and what then? We have not the slightest evidence that they are the population of the Neapolitan kingdom. Some 20,000 or 30,000 men of the Royal army were most imprudently disbanded—I am afraid under what may be called young Italian influence. A gross political error was committed; they were sent to their homes, though it is difficult to say where their homes were when their habits of life had been broken up by military service. They were thrown suddenly on the world, and naturally we have among them those manifestations, partly of brigandage and partly of military enterprise, which, however much they may tend to disorder and disturbances, are in no true sense proofs of popular disaffection. The hon. Member for Halifax says that the Italians must not dally and delay on their way to Rome and Venice. That is all very well, but are you thus advancing the Italian cause? Are you not rather increasing the difficulties of those who rule in that country by stimulating the ardent spirits of Italy to rashness which may be fatal to the peace of Europe, by declining to leave them judges of the time and mode of achieving results most difficult of fulfilment, and by taking into our own hands, sitting here at our ease within these four walls, to dictate the rate and the pace at which the Italians are to march to Rome? I cannot help contrasting with that "Young Italian" inspiration the sentiments which I heard the other day from the gallant gentleman who, as the representative of Englishmen, attracted so much attention both in the war of 1859 and subsequently, who fought side by side with Garibaldi, and who has, I believe, a high place in Garibaldi's esteem. I said this was not a party question, and I may say, in justice to him, that I believe his name is still on the books of the Carlton Club. He said to me, "No doubt it is necessary for Italy that she should go further; she cannot stop, you need not be afraid of that; it is impossible for the Italian question to rest at the stage in which it now stands. But do not let us attempt to precipitate consequences for which we are not responsible." "That it is most important," said that gallant gentleman to me, "that the solution of the Roman question should be as rapid as possible, and that Rome should take, as soon as possible, her natural position as the political, geographical, historical, and traditional head of Italy; but don't let the Italians be in a hurry with regard to Venice. If by any chance the Italians could be put in possession of Venice to-morrow it would be premature, and the effect of the removal of the Austrians from Italy, while the Italians were not in possession of Rome, would give rise to an amount of municipal jealousies which would be most threatening to the unity of Italy." I could not help being struck with the great practical prudence and wisdom of that declaration.

The hon. Baronet (Sir George Bowyer) says I am about to pursue a practice to which I am very much given—that of indulging in bitter animosity against Italian Princes, and of making statements to their prejudice. Sir, I do not intend to do any more on this occasion than complete an explanation which was interrupted yesterday by the right hon. Gentleman (Mr. Disraeli). I make no objection either to the manner or the matter of the interruption, but I stated yesterday that, so far as I knew, a young man named Granaj, who was the subject of a certain proceeding on the part of the Duke of Modena, had not been executed, and, as it appeared from reports that I had used words which might give rise to the impression that he had been executed, I was anxious to take the first opportunity of stating that, so far as I knew, that was not the case, and of expressing regret if I had used any language which could lead to the circulation of an erroneous statement. With that, however, I combined a more serious statement. The question is not so much whether a particular individual has or has not been executed, because particular cases of oppression and suffering are merely important as illustrations of the state of lawlessness which has been established under the countenance of Italian sovereigns. The first to which I attempted to draw attention was that by an *ex post facto* law capital punishment had been made applicable by the Duke of Modena to youths under twenty-one charged with homicide. The Marquess of Normanby has written me a letter, in which he desired that I should withdraw the charge. I am not able to do so, because the evidence in support of it is too certain and too conclusive. This evidence is contained in a work which is printed and published, and which is as accessible to others as it is to me. It was published in Modena in 1859 and 1860, very shortly after the expulsion of the late Duke. It is a work consisting not of comments, nor of extracts, but, so far as I have consulted it, consisting exclusively of original documents, the authenticity of which, to my knowledge, has never been impugned. If those documents were forged, if they were mangled or garbled, the fact would be easy of proof; but their authenticity, I believe, has never been denied. At all events, I speak upon the authority of these documents, and if in a particular instance I misunderstood them, the text was as accessible to others as it was to me, and I am sorry that the error was not immediately corrected. But the fact has not been denied that capital punishment was made applicable to an *ex post facto* law in the dominions of the Duke of Modena in 1857 to youths charged with homicide. [SIR GEORGE BOWYER: Under what age?] I will tell you presently. In September, 1857, the Duke of Modena appointed a military commission in his capital to try, by military law, certain offences which were enumerated. But the action of the military commission was not confined to offences committed after the commission itself was established, but it was authorized to deal with offences that had been committed for a very considerable period before—I think two years or more. Those offences were in the first instance brought under the action of the military law; and then, I must add, it was stated that persons who were capitally condemned by the commission were to be executed within twenty-four hours. On the 7th of October, in the same year, the Military commandant, whose name is rather Austrian than Italian, was authorized to apply capital punishment, the edict embracing cases which had happened long previous, to youths under eighteen years. Nor was that all, for the law was altered against the criminal, a law resembling that respecting Queen's evidence in our own country was established by the edict; and it was provided that soldiers, who were of course under the direct orders of the Judges of this tribunal, should be specially qualified to appear as witnesses in the case. That is the upshot of the matter so far as regards the application of an *ex post facto* law to youths of tender age when charged with homicide. I am much obliged to the House for listening to those observations. I wish it had been in my power to make any general retraction or abandonment of the charges. The book to which I have referred is, I repeat, accessible to the world. Some part of it has been published a year, some part of it for two years; and, as far as I know, there has been no denial of the authenticity of the documents which it contains.

Mr. DARBY GRIFFITH observed that it was unquestionably much owing to Count Cavour that the unity of Italy had been established; but while due praise was rendered to Cavour they must bear in mind that no small portion of the success which had attended the endeavours for the unification of Italy was attributable to Baron Ricasoli. He believed that had the people of Sardinia known that when Cavour came back to office he would approve of the cession of a portion of the King of Sardinia's territory to France he would never have been brought into office. He had seen it stated that when Baron Ricasoli was invited to take office, his first question was whether there was any notion of the cession of any part of Italy to France, and expressly whether there was any question of the cession of Sardinia. He had good authority for believing that it was only on receiving a direct assurance from the King of Sardinia that there was no intention to cede any part of Italy, and especially Sardinia, that Baron Ricasoli consented to take office. The House, therefore, might take it for granted that, as long as Baron Ricasoli remained at the head of the Government of the King of Italy, not one inch of Italian soil would ever be ceded to any foreign monarch, whether on the peninsular of Italy or in the island of Sardinia. He made that statement from particular knowledge on the subject, and he felt bound to make it in justification of the distinguished man who now held so high a place in the councils of the King of Italy.

Mr. LAYARD wished to do justice to the memory of a great man then no more. The hon. and learned Member for Bridgwater (Mr. Kinglake) had said that Cavour deliberately deceived the English Government, and the hon. Member for Tamworth (Sir Robert Peel) had used expressions which might lead to the same inference, though he (Mr. Layard) was sure the hon. Baronet did not credit it. He believed that Count Cavour never intended to deceive the English Government. He (Mr. Layard) had had opportunities of tracing that great man's character from boyhood, and he did not hesitate to declare the noblest feature of his noble character was his love of truth. No doubt at the meeting at Plombières there was a tacit understanding between the Emperor of the French and Count Cavour as to the cession of Savoy and Nice. Count Cavour himself had stated that the Emperor said that if Lombardy and Venice were united to Piedmont, he, not as Louis Napoleon, but as Emperor of the French carrying out the traditional policy of France and responsible for French interests, should, in such an event, insist on the surrender to France of Savoy and Nice. Count Cavour gave no written engagement or verbal promise. He only replied that when Venice and Lombardy were united to Piedmont the Emperor of the French might appeal to the populations of Savoy and Nice, and that if they expressed a wish to be united to France, that wish should be taken into consideration by the King of Sardinia. That declaration was known to many, and was told him by Count Cavour himself. When the Peace of Villafranca was made and the war ceased, without the cession of Venice to Piedmont, the Emperor resigned his claims to Savoy and Nice. Nor was any further claim made to those two provinces until Tuscany, the Duchies and the Legations expressed their determination to be annexed to Piedmont. The Emperor then revived his claim. On the 10th of February Sir James Hudson stated that Count Cavour denied that there was any intention on the part of the King of Sardinia either to cede or to sell the territory of Savoy and Nice. That denial was given over and over again by Count Cavour. He had, however, no intention to mislead the English Government. They knew, from the conversations between the Emperor and Earl Cowley, that until the month of February the Emperor had not expressed his intention to demand the cession of the provinces. Earl Cowley was in that month first told that the Emperor had determined to ask for the cession of Savoy and Nice. Count Cavour still resisted, and although M. Talleyrand was authorized at Turin to demand the cession, Count Cavour, until about the 23rd of February, refused to listen to the demands of the Emperor. M. Benedetti was then sent to Turin to bring an additional pressure to bear. He was told to say that, unless the cession were made in sufficient time to be announced to the Legislative Assembly at its meeting in March, the Emperor would march his troops into Tuscany. He had received that fact from high authority. On the 25th of February Count Cavour, with pain and reluctance, ceded the provinces. Count Cavour was so deeply affected by the act that he had thus been compelled to perform that he could never allude to it without exhibiting the most distressing symptoms of pain and grief; and he (Mr. Layard) remembered, when passing through Turin sometime after, having been entreated by an intimate friend of Count Cavour's not to touch upon a subject which caused him such strong emotion. The Count had to consider whether he should fail in the great schemes he had formed for the greatness and happiness of his country, or cede two provinces to France that were not necessary to Italy. He believed that Count Cavour was considered by the Italians themselves as justified in agreeing to that cession, and that he only yielded to a dire necessity. The punishment of the Emperor of the French had already fallen upon that potentate. Why was his word now doubted? Because he had forfeited his word and honour in this matter. But a more honest, a more honourable, and a more truthful man than Count Cavour never existed, and posterity would do justice to him.

MR. HENNESSY said, he would trouble the House with only a few remarks upon the speech of the right hon. Gentleman the Chancellor of the Exchequer in regard to the late Duke of Modena. He was in the House in March last, when, without the slightest notice, the right hon. Gentleman made an attack on the Duke of Modena. The right hon. Gentleman then held what he called an official document in his hand, which stated that a young man named Granaj was sentenced to be executed. The right hon. Gentleman had withdrawn a part of that charge that night; but he had made the charges against what he called the cruel and lawless Government of the Duke of Modena. The Duke of Modena had reigned for thirteen years. How many capital executions did the House think had taken place in that time? Only five. And those executions had taken place in the early part of his reign, when a state of war was impending in Italy, and when it was necessary to place a portion of his dominions in a state of siege. It was directed by the Duke that the new penalties were to be imposed only when they were lighter than the old. The right hon. Gentleman had said that there was nothing in the despatches to support the statements of the hon. Member for Dundalk. Why, the very first despatch in the blue book, which was a despatch addressed to Sir James Hudson from Mr. Solan, stated that in Castiglione the peasants had risen the moment the military were withdrawn. There were others of a similar nature, and he referred to those documents, not for the purpose of proving that the inhabitants of South Italy were loyal to their Sovereign and abhorred the Piedmontese, but to give the House some idea of the little reliance which was to be placed on the bold assertions of the right hon. Gentleman.

MR. KINNAIRD observed, that it was natural to suppose, when a large body of troops was disbanded and thrown on the country, that some disorganization must result. With regard to Cavour, he was convinced that, though a mistake was made in respect to the cession of Nice and Savoy, the brilliant career of that statesman had caused that particular error to be forgotten.

MERCHANT SHIPPING BILL.

QUESTION.

Mr. LINDSAY said, that a notice respecting the Merchant Shipping Bill promised to be introduced by the right hon. Gentleman the President of the Board of Trade had stood on the business paper eight or nine times, and now for some reason had disappeared. It related to a subject in which great interest was felt, and, therefore, he would suggest that the Bill should be laid on the Table, in order that it might be considered by the country during the recess.

Mr. LIDDELL said, he knew that conderable disappointment existed among the shipping interest that this great subject had not been dealt with in the present Session. He, therefore, hoped the President of the Board of Trade would take the suggestion into his favourable consideration.

Mr. MILNER GIBSON said, it was the intention of the Government to have given effect to the remaining recommendations of the Committee, and for that purpose two Bills had been prepared, one for the abolition of passing tolls and for the termination of certain dues that were levied on shipping, and the other for the amendment of the Pilotage Laws, and those relating to the liability of shipowners. Having but a limited portion of the time of the House at his command he thought it better to proceed with one of these Bills before he attempted to proceed with the other; but the other Bill was prepared. Now it was obvious, from the various important subjects with which the House had to deal, that a matter of this kind could only occupy a certain portion of time, and with every desire to pass the measure he really had not found himself able to do so. If he did not accede to the suggestion to lay the Bill on the Table of the House, it was simply because he did not think it would be advantageous to the public interest to do so, inasmuch as there was no intention to push it through its various stages this Session. If he were to lay it on the table, hon. Members would naturally be impatient of having any explanation made with respect to its provisions; and he did not think it would be fair to ask him to introduce it without such comment as might be calculated to meet the objections which might be made against it. Upon that ground, as well as because still further consideration might, on the principle "the longer we live the more we learn," tend to improve the measure, he thought it would be better to postpone its introduction till next Session, at an early period of which he hoped to be able to proceed with it.

CASE OF LIEUTENANT ALLEN.

OBSERVATIONS.

Mr. BERNAL OSBORNE said, he would take that occasion to call the attention of the House to the case of Lieutenant Allen, who had been tried by court-martial in India for the murder of his native servant, and who had been convicted of manslaughter and sentenced to four years' imprisonment without hard labour. The proceedings of the court-martial in the case had been confirmed by Lord Clyde in April, 1859, and Lieutenant Allen was sent to Agra. The place, however, having been ascertained to be unhealthy, he was, on the grounds of humanity, removed to England. He had arrived in this country in June, 1860, and was first sent to Chatham; thence he was transferred to Milbank, but the Governor having complained of the transfer, on the ground that the institution was available only for persons condemned to hard labour, he was, on the authority of the Secretary for the Home Department, sent to Weedon, afterwards to Newgate; but, the Commander-in-Chief not deeming that to be a proper place of confinement for him, he was eventually placed in the Queen's Prison. The result was that he brought an action against the governor of the prison at Weedon, and recovered £50 on the ground of false imprisonment. Not satisfied with that, he had the other day brought an action against the Commander-in-Chief, and had recovered an additional sum of £200. There were, besides, he believed, eight other actions, one of them being against the Secretary for the Home Department, and under those circumstances he could not help thinking some explanation ought to be given on the subject. He would, therefore, ask the Judge-Advocate whether he had been consulted with reference to sending Lieutenant Allen from India to this country to undergo the punishment to which he was sentenced here, and, if so, on what section of the Mutiny Act his decision in the matter was based?

Mr. HEADLAM, having observed that he believed the facts of the case had been correctly stated by the hon. and gallant Gentleman, said, the documents containing the proceedings of the courts-martial had been forwarded to his office, that he had examined them, and had come to the conclusion that the sentence was right. On a subsequent occasion he had, in answer to a letter—he did not exactly know whether it was of an official character—which had been addressed to him, given it as his opinion that Lieutenant Allen might be transferred to this country under a written order from Lord Clyde. Lieutenant Allen was, however, he believed, despatched from India before the reply could have reached that country, but at all events no written order had been issued by Lord Clyde, and hence arose the illegality of the imprisonment here, which had taken place without his knowledge. His attention had, in consequence of the circumstances of the case, been directed to providing against the recurrence of a similar state of things, and he had, in conjunction with the War Department, introduced an alteration into the Mutiny Act of the year, which would effect the object.

Question put, and *agreed to.*

SUPPLY.

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

PENSIONS (BRITISH FORCES) INDIA BILL.—SECOND READING.

Order for Second Reading read.

SIR HENRY WILLOUGHBY said, he must object to proceeding with the Bill at that hour.

SIR CHARLES WOOD said, that the question at issue was a very simple one, and he hoped the House would not refuse to accede to the Motion.

Bill read 2°, and *committed* for *Monday next.*

SALMON FISHERIES (SCOTLAND), &c., BILL.—COMMITTEE.

Order for Committee read.

MR. ROBERTSON said, he should oppose the Bill, as it would have the effect of placing the salmon fishing in all the rivers of Scotland in the hands of a limited number of large proprietors. The measure would encourage poaching, and give rise to great dissatisfaction among the people of Scotland, and he hoped that his hon. Friend who had charge of it would not press going into Committee.

MR. KINNAIRD observed that he was also in favour of delay.

THE LORD ADVOCATE said, that as almost all the Scotch Members thought that the Bill ought to pass this year, and as it was the best they were likely to get, it was not his intention to postpone the measure.

House in Committee.

(In the Committee.)

Clause 1 (Short Title),

MR. ROBERTSON moved that the Chairman report Progress.

Motion made, and Question put, "That the Chairman do report Progress,"

The Committee *divided:*—Ayes 14; Noes 45: Majority 31.

Clause *agreed to.*

Clause 2 (Application of Act),

MR. BUCHANAN said, he objected to proceeding with a Bill of this complicated nature at so late an hour.

MR. E. P. BOUVERIE said, he regarded the Bill as practically carried, and hoped it would be allowed to pass the present stage.

SIR JAMES ELPHINSTONE said, he considered that the Bill had been accepted as a compromise between the different opinions upon the subject, and he trusted that the opposition to its progress would not be persevered in.

Clause *agreed to.*

Clauses 3 to 73 *agreed to.*

Clauses 74 and 75 *postponed.*

Clauses 76 to 83 *agreed to.*

Clause 84 (Weekly Close time),

MR. ROBERTSON said, he would move to leave out the words "between four o'clock on Saturday afternoon and six o'clock on Monday morning," in order to insert the words "between twelve o'clock at noon on Saturday and two o'clock on Monday morning." The early hours in the morning were most important for river fisheries.

Motion made, and Question proposed,

"In page 24, line 4, to leave out 'between four of the clock on Saturday afternoon and six of the clock on the following Monday morning,' and insert 'between twelve of the clock at noon on Saturday and two of the clock on the following Monday morning,'"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE LORD ADVOCATE said, that following the recommendations of the Committee he must oppose the Amendment.

MR. ROBERTSON said, he would then move that the Chairman report Progress.

Whereupon Motion made, and Question, "That the Chairman do report Progress," put, and *negatived.*

Original Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 32; Noes 10: Majority 22.

Clause *agreed to.*

Clauses 85 to 119 were also *agreed to.*

Clause 120 (Licence for Rod fishing),

MR. ROBERTSON objected to the clause, on the ground of its hardship, and that it would lead to confusion and discontent.

THE LORD ADVOCATE said, he was willing to withdraw that and the three following clauses, and bring them up on the Report.

Question put, "That Clause 120, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 25; Noes 14: Majority 11.

And it appearing that 40 Members were not present:

MR. SPEAKER resumed the Chair:—House counted, and 40 Members not being present:

House adjourned at half after Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, July 22, 1861.

MINUTES.] PUBLIC BILLS.—3ª East India Council, &c.; Piers and Harbours; Turnpike Trusts Arrangements.

Royal Assent.—Boundaries of Burghs Extension (Scotland) Act Amendment; Bills of Exchange and Promissory Notes (Ireland); Inclosure (No. 2); Local Government Supplemental; Transfer of Stocks and Annuities; Poor Assessments (Scotland); London Coal and Wine Dues Continuance; Queensland Government.

DUCHY OF MODENA—MOTION FOR DESPATCHES.

THE MARQUESS OF NORMANBY, in moving, pursuant to notice, that an Address be presented to Her Majesty for Copies or Extracts of any Despatches relating to the Affairs of the Duchy of Modena, from Her Majesty's Ministers accredited to the Courts of Central Italy, during the years 1855, 1856, 1857, and 1858, said, he purposed to extend the terms of his Motion so as to include copies or extracts of any Letter written by Mr. Walton, Her Majesty's Consul in the district of Massa Carrara, with regard to the state of that Duchy. When he first gave notice of this Motion he certainly was very little prepared for the consequences of his attempting to explain the motives and intentions with which he brought the subject forward, or that allusion should have been made, most unusually and irregularly, to the statement which he had felt it his duty to make in giving notice of this Motion. A grave accusation having been put forward on the authority of a Minister of the Crown (Mr. Gladstone), to the effect that orders had been given for the execution of a person contrary to law, in the Duchy of Modena, and that statement having been circulated throughout Europe, he had thought it but fair to give to the colleague of the right hon. Gentleman notice that he was prepared completely to contradict those charges. He also thought the right hon. Gentleman himself ought to have the opportunity of assenting or dissenting from his statement. But when he rose for the purpose of making an explanation with this object he had been much surprised at hearing sounds which were by no means usual in their Lordships' House from a certain number of noble Lords opposite connected with the Government. Thinking it by no means fair that a Prince who had been driven from his country and his throne by the simultaneous attacks of the large armies of France and Sardinia, and who had chosen to retire from his own dominions rather than expose his small body of faithful native troops to certain destruction, should be exposed entirely without defence to attacks such as he had referred to, and believing also that, as the representative of Her Majesty during the period at which those atrocities were alleged to have taken place, it was but right that the House should receive an explanatory statement at his hands, he felt compelled by a sense of duty to state what the facts really were. But when he endeavoured to make that explanation, no sympathy was felt for him in performing a duty which he felt it was imperative upon him to discharge, nor for the Prince who had been so cruelly wronged. Subsequently he put himself into communication with the right hon. Gentleman, and in the course of the correspondence, with which he should have to trouble their Lordships, he thought he had succeeded in convincing him that the question raised was not merely the answer which might be given in one House to debates in the other, but whether a Minister of the Crown, in that responsible position, ought to be allowed to circulate throughout Europe a charge with regard to the Duke of Modena which official documents would show to be entirely unfounded. If the right hon. Gentleman had answered that communication in the spirit in which he felt certain one of their Lordships would have replied to it, he should have had very little to say; but so far was that from being the case that the right hon. Gentleman actually returned to the charge and renewed the insinuations. Though the right hon. Gentleman possessed singular facility of expression, and always conveyed an impression favourable to his views to the assembly which he was addressing, all the reference which he had been able to find in the papers of the notice taken by the right hon. Gentleman of this correspondence was in the following terms :—" The right hon. Gentleman vindicated his former statement with regard to the Duke of Modena." The right hon. Gentleman called the publication from which he had quoted a " book," and said that it was as accessible to any other Member of the House of Commons as to himself. He must have made that statement in entire oblivion of proofs which he (the Marquess of Normanby) had supplied to him that such was not the case. Since that statement was made a gentleman connected with the Duke of Modena had received from one of the Ministers of that Prince a letter, in which he said—

> " The book which has served as the text of all the accusations is not yet in my possession, because it appears that the authors, while they sent it round to their friends, took very good care to prevent its falling into the hands of those who, having full knowledge of the facts, could have had no difficulty in refuting them. My bookseller has not yet been able to procure a copy; and a bookseller at Leipsic, who advertises the book in his catalogue, and to whom I wrote sixteen days ago, has not yet sent a reply."

It is evident that this must have been the case, because, judging from the extracts quoted by Mr. Gladstone, which was all that he knew of the book, the inhabitants of Modena would never have listened to such an accusation as that with reference to Granaj, well knowing that during the reign of the Duke but few persons, and those all of mature age and convicted of atrocious crimes, had been executed; and as to the charge of dealing improperly with prisoners, they would have known that it was founded upon the establishment of a new reformatory prison, to which persons confined by the correctional police were transferred, where they were taught trades and paid wages, and the effect of which had been to reduce theft and petty offences in the proportion of one-third, or from 2,700 some years ago, to 1,800 now. He must trouble the House by reading the correspondence which had passed between himself and Mr. Gladstone on this subject. The day after he was compelled to postpone his Motion he wrote to the right hon. Gentleman to this effect—

> " Hamilton Lodge, July 9, 1861.
>
> " Dear Mr. Gladstone,—When I found myself obliged last night to postpone my Motion, and could only fix it for a distant day, I stated that I much regretted the delay, as I could positively disprove the calumnies injuriously affecting the character of the Duke of Modena, the person attacked in the publication to which I should refer. I added that if ' any one anywhere ' had given additional publicity to groundless charges I was sure that when he heard the truth he would be the first to express his regret that he had been deceived by those whom he now found unworthy of credit. In obedience to the somewhat capricious observance in this particular instance of the strict rules of order required by some of your colleagues, I stated the case hypothetically ; but I am sure you would not the less feel the responsibility of the charges you have distinctly made, and, if convinced that some further step on your part is required, all must agree that the sooner it is taken the better. You are probably aware that the object of the Commission from whom the publication emanated was to collect and give to the world garbled extracts from the confidential correspondence between the Duke and his private secretary, to obtain which the desks of both had been rifled. I am told by a trustworthy person acquainted with all the circumstances of the case that, in order to produce an unfavourable impression abroad (for the book was little circulated where the facts were known), this Commission falsified the chronological order of the documents, perverted their sense, adulterated their substance, and the whole product of their labours became a work of false suggestions, of fraud, and of forgery. I do not expect you to adopt that view from any statement of mine. I have in my hands ample materials for contradicting every one of the seven charges, which you made your own by adoption ; but I think, if I can give you the means of satisfying yourself that the most odious charge is a malignant falsehood on the part of those who imposed it upon you, you will feel that not much credit can be given to the minor allegations, which are mostly mere matter of inference. You are reported to have stated distinctly, ' A young man of seventeen, of the name of Granaj, of Carrara, was found guilty of murder, or manslaughter. The law of Modena does not permit capital punishment under the age of twenty-one. After the trial the Duke of Modena sent forth an edict declaring that, notwithstanding the law, the young man should be executed.' Now, no such edict ever existed ; no man of the name of Granaj was ever tried for murder, therefore, none such was ever executed. On examining the notes of the presiding Judge General Gentile, it is found that a cer-

tain Antonio Granaj, aged 17, was imprisoned for two days for refusing to give evidence; but I understand that there is no trace of a criminal process of any kind at that time against any person of that name. There is a striking fact bearing upon the impossibility of the truth of that charge—that during the whole of the Duke's reign of thirteen years there have been but five cases of capital punishment, all of persons of mature age, and for atrocious murders. Great care was taken not to circulate these infamous calumnies where there was any fear of contradiction. The Duke of Modena never heard of these charges till he read your speech, and, I am informed, exclaimed with honest indignation as to this particular charge, 'If this were true I should feel myself morally guilty of murder.' His Royal Highnesss may well think he has a right to complain that a Minister of the British Crown should make such a charge without taking any previous pains to ascertain the truth. You will, therefore, excuse me for reminding you that there is a very easy method to put yourself in a position to do tardy justice to the Duke of Modena. You can get the Foreign Office to telegraph to Mr. Walton, Her Majesty's Consul at Carrara, and ask these simple questions—'Was any man of the name of Granaj ever convicted of murder within your recollection? Were more than five persons ever executed during the whole of the Duke of Modena's reign?' You will see that I am very confident as to the authenticity of my information, and all I ask of you is thus to test it. If you do so I am convinced that in a few hours you will be in a position to do justice to the upright and unfortunate Prince you have wronged in the place where the injury was inflicted. And I am sure that you will feel that he does not the less deserve strict justice at your hands because he is utterly defenceless since he was driven from his dominions by the overwhelming power of the arms of France and Sardinia.

"Yours faithfully,

"NORMANBY."

To this Mr. Gladstone replied—

"11, Carlton Terrace, July 9, 1861.

"Dear Lord Normanby,—I have just received your note, and in reply I cannot admit that, as at present advised, I have done wrong to the Duke of Modena. I have not made a single charge except on the authority of published documents, construing them to the best of my ability. These documents had been before the world for nearly two years, I think, at the time I cited them, and their authenticity had never, to my knowledge, been disputed. Such being the case, it was, I think, my duty to assume them to be authentic. Nor, indeed, do I gather from your note that it will now be alleged they are forgeries. If I have misunderstood them, and misstated their natural meaning, then I have done wrong, and upon being convinced of it will express my regret with a strength of language proportionate to the gravity of the charge which may have been made in error. According to my confident recollection I did not state that Granaj was executed. What I believe I stated, and what I think the document strictly justifies, was that the law was altered *ex post facto* so as to include his crime, and I contrasted this proceeding with another, in which certain criminals appeared to be denied the benefit of an *ex post facto* mitigation, which had been decreed, I think, between their conviction and their apprehension. If this and other documents are forged, no words can be strong enough to denounce the baseness of such an act. If they are not, I believe you will not shake an atom of my statements of facts, nor do I think much can be said against the colour that I gave them. Will you permit me to express my regret that the task of vindicating the Duke of Modena does not devolve upon one or other of the very zealous men who uphold in the House of Commons opinions on Italian affairs resembling those of your Lordship? I venture to think the practice of answering in one House speeches made in another so exceptionable, that I have never on any occasion adopted it, and do not foresee that I ever shall. I will read your Lordship's letter to Lord Wodehouse, who has possession of my papers; but I doubt whether he ought to make inquiry upon an isolated question until we know the whole of the statements which are about to be made, and into which we have no opportunity afforded us of inquiring.

"I remain, dear Lord Normanby,

"Very faithfully yours,

"W. E. GLADSTONE."

On the 10th of July he wrote to the right hon. Gentleman—

"Dear Mr. Gladstone,—There is only one point in your letter to which I feel it necessary at once to call your attention. You state 'According to my confident recollection I did not state that Granaj was executed.' I read this sentence with a surprise which I am sure will be shared by everyone who has seen the reports of your speech, either in the most authentic records we have here, or in the best translations in the foreign papers. In all these identical words appear, 'After the trial of Granaj, the Duke of Modena sends forth an edict that, notwithstanding the law, the young man should be executed.' And here you are supposed to have stopped. Now, you must feel that, if any one else had used these words, the inevitable impression on your mind would have been that the sentence had been carried into effect; unless these words were added, 'I must admit that no execution took place.' I feel certain that all those who heard you looked upon this execution as the gravamen of your charges. When you know from me that the Duke of Modena shared, in this respect, the universal impression as to the obvious meaning of your words; when you heard that he indignantly used this expression, 'If this were true, I should feel that I was morally guilty of murder;' I appeal to your sense of justice whether you should lose twenty-four hours before publicly declaring that you are now aware that no such execution ever took place? This is not a question as to answering in one House any debating speech which was made in the other. It is simply this, whether a Minister of the Crown should allow an accusation to be circulated throughout Europe, in his name, of 'moral murder' against an exiled Prince with whom his Sovereign was always on terms of friendly alliance, and this, too, after that Minister disclaims the interpretation of his words on which the charge is founded. All other questions raised by the selections from this book which are coupled with your name throughout Europe may well be reserved till I bring on my Motion. Having been the Queen's representative at Modena during most of the years to which those charges refer I feel it my special duty to re-establish the truth, and I

The Marquess of Normanby

shall call for my periodically-renewed reports of the state of Modena, that they may be judged side by side with the selections you have made from a publication founded, as it appears, on garbled extracts or the alleged substance of stolen private documents never seen by any but the compilers. "Yours faithfully,

"NORMANBY."

Mr. Gladstone sent the following answer:—

"Downing Street, July 10, 1861.

"Dear Lord Normanby,—I cannot undertake to state, as you require, within twenty-four hours, that I 'am aware that Granaj was not executed.' First, because what you stated in your letter yesterday is wholly at variance with the printed document; and you do not inform me, in reply to my letter, that that document is falsified or forged. Secondly, because I have recently been told that Granaj was executed, and, though I do not absolutely assume this to be correct, yet I cannot certainly assert the contrary. I have no doubt the Duke of Modena speaks what he believes to be true, but one of the curses adhering to certain systems of Government is, that the denial of publicity to the subject places the Sovereign in the hands of Ministers, and each class of governing agents in the power of those who are below them. I do not believe the King of Naples knew a fifth part of the horrors that were perpetrated in his kingdom. I am not a little astonished to be challenged, after five months of anxious and varied business have intervened—I mean, not to have been challenged before if I was challenged at all—upon the accuracy of a particular expression, for which I am not responsible and which I have never read. I will, however, investigate that matter as well as I can by comparison of reports and let you know the result. Meantime I restate the charge which I meant to make, and which I believe I did make. It was this, that while the benefit of *ex post facto* mitigatory legislation was denied to certain criminals capital punishment was by *ex post facto* legislation made applicable to the crime of a certain youth named Granaj. I state this thus plainly that you may be able to affirm or to deny it, and to apprise me whether the published document from which I spoke is or is not falsified or forged. It is surely grave enough to demand attention.

"I remain, dear Lord Normanby, faithfully yours,

"W. E. GLADSTONE."

To that he merely replied that after the right hon. Gentleman's last letter it was quite useless to continue the correspondence, and that he reserved the whole case of the Duke of Modena for his Motion in the House of Lords. After that he received the following letters from Mr. Gladstone:—

"July 11, 1861.

"Dear Lord Normanby,—I have now consulted all the accessible reports of the passage in my speech to which you have referred, and, though I cannot remember my words, I think the fair presumption is that I said the Duke issued an edict for the execution of the youth Granaj. What I ought to have said was that the Duke issued an edict *ex post facto*, bringing the crime of that youth within the category to which capital punishment was applicable. I am most ready to explain without delay this difference, and to express my regret for having stated, as the meaning of the edict, without any qualification, what, though I might have argued it was the intention of the paper, was not its necessary import. But I am desirous in doing this to do all that may be right. Is there more which, from the contents of the paper itself, I ought to say? That there may be no doubt on the subject I send you a copy of it. If it is within your knowledge that in any other respect I have mistaken the meaning of it, I am most ready to be corrected.

"Yours faithfully, W. E. GLADSTONE."

On the 12th of July he wrote to Mr. Gladstone this letter in answer to his of the 11th containing the copy of what he still erroneously called an edict—

"Hamilton Lodge, July 12th, 1861.

"Dear Mr. Gladstone,—I received last night, just before I was obliged to go out, your announcement that you had convinced yourself that you must have said that 'the Duke of Modena had issued an edict for the execution of Granaj, and that you were ready to express your regret on that point;' and I have also to thank you for inviting me to say whether there is any other statement connected with this charge in which I consider you to have been in error, as you are anxious to do all 'that is right.' For this I give you implicit credit. I shall, therefore, in as few words as possible (since I quite feel with you the importance of the explanation being made without delay), give you my opinion with the candour you desire. After your avowal of the general opinion which you feel must have been derived from your reported words as to the execution of Granaj, I have no doubt your feelings will induce you to express yourself satisfactorily as to having been unfortunately the means of propagating throughout Europe so cruel a charge. And here I would willingly leave this point but for a phrase in your letter of the 10th:—'I have recently been told that Granaj was executed.' It was this apparent willingness to revert to a charge which I believed to have been disclaimed which induced me in my note of yesterday morning to declare as useless any further correspondence on the subject. All I wish now to say is that I trust you will not hereafter place any reliance on the statements of the person, whoever he may be, who attempted to palm upon you this wanton falsehood. Now, without stopping to quote the words of your letter, for which I have not time, I regret to have to tell you that what you think you ought to have said is still far removed from a correct statement of the facts of the case as gathered accurately from the papers you quote. In the first place, the paper you send me is not an edict that was ever published; both its form and its substance show that it could not be. It is merely a minute of the Duke's, written and countersigned by his private secretary, which, after the Revolution, was stolen from the cabinet of that secretary, and used for their own purposes by the Piedmontese Provisional Government. This was the form in which his Royal Highness conveyed his confidential instructions to his departmental Ministers. That minute, addressed to the Minister of Justice, points out some alterations in the new criminal code. If it had been a published edict it must have been countersigned by that Minister. In the proposed amendment of the code then under consideration the monstrous crime committed by this Granaj in the year 1855 makes his Royal Highness think desirable some further alterations with regard to the crimes to be excepted in the future code. Now, 'so far from justifying the assertion that the Duke intended to make an *ex post facto* law, it proves directly the contrary, as by the first paragraph the Duke distinctly adopts the inadequate sentence against Granaj as prescribed by law. Before I went out last night I made a literal translation of the documents you sent me, which you will see cannot be otherwise construed. Therefore, in answer to your appeal as to what you ought to do, I should say, first, as to the charge of the execution of Granaj, act according to your own feelings; secondly, admit that there is no proof that the Duke ever published an edict as to the case of Granaj; thirdly, explain that the minute you have seen has no one character of an *ex post facto* law. I send you my translation; I am sure it is correct.

"Yours faithfully,
"NORMANBY."

This was the translation of the document to which he referred—

"To the Minister of Grace and Justice.

"Seeing the atrocious case of the assassination committed by a certain Granaj of Carrara; seeing that the sentence relative to it is based on the local statute, that the assassin cannot be condemned to death because he has not attained the age of 21 years; seeing that it is not in the project of the new Criminal Code to make any other exceptions upon this point except the crimes of sacrilege and high treason, we ordain that such exception applicable to the two crimes here above cited shall be extended to all kinds of premeditated homicide, or committed without that adequate provocation which might be pleaded as such. "FRANCESCO.

"Dottore CARLO SARESI, Segretario di Gabinetto.

"August, 1855."

"11, Carlton Terrace, July 12, 1861.

"Dear Lord Normanby,—I will endeavour to get at the bottom of this Granaj case as far as the whole of the printed documents will enable me, and I will explain to the full extent which the evidence will warrant it, either to-day or Monday, as I may be able. Those who told me that Granaj was executed did not state it as final or authoritative information; and what appears probable, as far as I have yet gone, is that he was sentenced to be confined to the galleys for life. I should have thought these published documents must have passed into the hands of the Duke and his friends. They are, however, ill-arranged as well as voluminous, and hence it is that I am reluctantly obliged to hesitate about saying at once what I may have to say.

"Faithfully yours,
"W. E. GLADSTONE."

"July 12, 1861.

"Dear Lord Normanby,—I am now in a condition to tell you what, from the documentary information in my hands, I can consistently and properly state in reference to the youth Granaj, and to the charge against the Duke of Modena of having brought homicide by youths under age within the reach of capital punishment by means of an *ex post facto* law. I fear it may not give you much satisfaction. First, I think that I put a construction on the document I cited beyond what it properly bears. It is certainly not an order for execution; and I am ready to express my deep concern for having used words that might fairly be held so to describe it; and, though I think that the order apparently indicates an intention of operating *ex post facto*, it may, as a single document, be otherwise construed. Secondly, I do not assert that Granaj was brought within the operation of the law; and such evidence as I possess appears to show that he was not put to death, but sent to the galleys for life. Thirdly, I am sorry to say that the general charge remains in full force and with circumstances of aggravation. In September, 1857, the Duke by decree appointed a military commission—apparently a commission of Austrian officers—to try persons charged with homicide; and authorized this commission to try all pending causes of that class in which the act was charged to have been committed anterior to the appointment of the commission, and since the (previous) 'state of siege' had been abolished. Persons capitally condemned were to be executed within twenty-four hours. Fourthly, on the 7th of October, in the same year, the Duke authorized the military commandant to apply this capital punishment to youths under eighteen years of age, and, combining this with the last paragraph giving the law *ex post facto* operation, you will see that the *ex post facto* operation is made applicable to youths under eighteen. The Duke of Modena at the same time alters the law of the country by admitting the evidence of accomplices and that of soldiers—that is to say, persons under the military control of the judges themselves. I quote from the same repository of published documents, and not from any comment upon them. Might I venture to recommend your personal inspection of the collection? I am quite ready to make, or not, as you think fit, an explanation to the effect above described, and

"I remain, faithfully yours,
"W. E. GLADSTONE."

On the 13th he wrote to Mr. Gladstone—

"Hamilton Lodge, July 13th, 1861.

"Dear Mr. Gladstone,—If you adhere to the intention you announced to me of taking the earliest opportunity of expressing your regret as to the errors into which you had fallen yourself and led others upon the only grave charge you had made against the Duke of Modena, referring exclusively to the case of Granaj in 1855, I can have no objection to the manner in which you propose to do so. But if you mean to avail yourself of that opportunity to bring forward new charges against the Duke, I must protest against the unfairness of that proceeding, although I happen to have in my hands authentic materials for contradicting the fresh allegation relating to quite a different period, put forward in the letter I have just received. Should you persevere in this strange method of making amends for admitted mistakes I shall give these additional contradictions when I dispose, I trust satisfactorily, of the other five minor charges, which throughout Europe are only known as coupled with your name. On that occasion, I, of course, reserve the option of using our correspondence as the best mode of doing full justice to both parties.

"Yours faithfully,
"NORMANBY."

He did not think that the right hon. Gentleman, sitting on the bench with other Ministers, and speaking in the name of the British Crown, ought to have made charges with the levity with which these charges had been made. The last letter which he received from Mr. Gladstone was as follows:—

"11, Carlton Terrace, July 15, 1861.

"My dear Lord Normanby—If you think fit to supply me with the evidence on which you are prepared to contradict the documents referred to under Nos. 3 and 4 of my last letter, I shall be most happy to consider it. If you do not I shall then state, with your approval, that you have apprised me you mean to contradict, but have not been disposed to put your proofs in my hands. I have no intention of bringing any new charge against the Duke of Modena. I think it would be ungenerous to do so in connection with an explanation such as is intended. But my charge was that he had by an *ex post facto* edict brought youths under age, charged with homicide, within reach of capital punishment. This charge I unfortunately find to be true, and I, therefore, cannot recede from it. You treat what I said about Granaj as the principal charge, and the others as minor. Of course it is open to you to classify them as you please; but the classification is yours, not mine. I did not treat it as the principal charge; I look upon all these charges alike, as mainly important from their tendency to illustrate that character of real lawlessness which, unhappily, distinguished the Government of Modena. What I understand you to ask is this, that when I state my charge not to be proved by page 6, I should refrain from stating that it is more than proved by pages 11 and 14. To this I think your Lordship will see I could not accede.

"I remain, faithfully yours,
W. E. GLADSTONE."

The right hon. Gentleman alluded in this letter to a publication which no one that he knew of had seen but himself, and which certainly was not such a document as he had any right to quote. To that letter he replied as follows:—

"Hamilton Lodge, July 16, 1861.

"Dear Mr. Gladstone,— I never saw the publication to which you refer, nor do I know anything of its contents, except from the selections you yourself made; but I know the infamous means by which it was concocted, and the disrepute in which the characters of the compilers are held. It was never communicated to the Duke of Modena, and neither he nor his friends ever saw it, nor had their attention been called to the charges, except by the translation of your speech; but for that they would not have condescended to notice anything coming from so impure a source. Therefore, I positively decline to discuss by letter any new charges which you have taken from that book. If you choose to enter into a new campaign, under the auspices of these persons, I have no doubt I shall on Monday next have so many more opportunities of proving how you have been deceived. I think it fair, however, to caution you against proceeding with the levity shown in your letter of the 12th, where you talk of the commission, apparently composed of Austrian officers.' Can it be possible you have spoken and written all this about Modena in ignorance of the notorious fact that every Austrian officer had been removed from the duchy with the army of occupation eighteen months before the period to which you refer? If you choose to introduce these topics, and to say that I was not disposed to put my proofs into your hands, you will, of course, give my reasons for such refusal; but I trust you will see that it better on every account to confine your explanation to those points on which you feel yourself indisputably wrong, by which means you will do the best in your power to remedy the personal injury you have inflicted.

"Yours faithfully,
"NORMANBY."

The right hon. Gentleman's explanation was so unsatisfactory that in some of the papers it was summarized thus—

"Mr. Gladstone vindicated his former statements with regard to the Duke of Modena."

If that were the case, Mr. Gladstone certainly did not express himself with the extreme facility and ability which he displayed when he knew exactly what was the impression which he wished to convey. He had a perfect answer to all the charges which had been made. So far from substituting the military for the civil code, the Duke had directed that, where there was any distinction between them in regard to any particular crime, the milder punishment of the two should be applied. With respect to the Commission, only five persons had been executed under it, and not one of them within twenty-four hours after sentence, as Mr. Gladstone had asserted. No intention of the sort had ever been entertained. No doubt there were many of the victims of General Cialdini and General Pinelli who would have been very glad of this twenty-four hours' respite. He had another witness on this point to which he begged their Lordships' particular attention. Since Mr. Gladstone made his statement he had received a letter from the Duke of Modena, which showed the frankness and honesty of his conduct, and which also disposed of Mr. Gladstone's insinuation that the Duke knew nothing of what his Government were doing. He would read to their Lordships three extracts from that letter. The first related to the manner in which the Duke left his territory, and was as follows:—

"If I have not the means to supply you with the further documents that you desire, I beg you to take into your consideration that in quitting my States, I did not touch the archives or even the confidential papers of my own private secretary. I did not wish to displace anything which might be necessary to guarantee the personal interests of any one. This would suffice to prove that I did not feel myself guilty of any injustice whatever, and that I did not fear the judgment of honest men. You will recollect that I had ample time to carry off everything, but I then believed a powerful foreign invader, united with an Italian King, would be less disloyal than they proved to be after their victories. The latter stooping, by means of his political agents, to personal libels, procured at the price of the violation of the secrecy of strictly private letters."

With regard to Granaj's case, the Duke wrote—

> "I now know the alleged test. I say alleged because it is impossible to remember all one may have written or proposed in so many years of government. The alleged text of the principal ground of the accusation of Mr. Gladstone is this; the order which I gave to a Commission which was to compile the project of a new code, referring to a condemnation against a certain Granaj, guilty of premeditated homicide. The text quoted will suffice to refute the calumnious assertion of Mr. Gladstone that I had caused a man to be put to death whom the law did not condemn to that penalty. I took occasion from such a premeditated case of homicide to prescribe that in the new code relating to atrocious crimes, when evident malicious intent was shown, the extreme penalty might be applied, even when the accused should be under twenty-one years of age. Such an exception had already been made for criminals guilty of high treason. In the code established in 1856 the age of eighteen was established as the *minimum* for the application of the penalty of death in cases comprising these crimes. My order was to apply to future cases, and not to Granaj; for that would have been giving a retrospective force to a law injuriously affecting a criminal, and, therefore, an act highly reprehensible. Thus, therefore, falls to the ground the principal accusation that Mr. Gladstone brings against me."

The third extract related to Mr. Gladstone's accusation of the general arbitrary nature and lawlessness of the Duke's Government, and on this point the Duke wrote—

> "If my Government had been as arbitrary as Mr. Gladstone likes to believe it, I know not why so many families emigrated with me. Why, up to this time, not one has returned home, although suffering much thereby in their material interests. Why my troops abandoned their country and their families for an indefinite period, resisting seductions of every kind, and menaces of revolutionary vengeance. Why, in short, troops cut off from their own country should continue to recruit their ranks far better even than when I held authority in my hands."

The publication on which Mr. Gladstone had relied was not a solitary instance. It was tried with similar success by the same person against the Duchess of Parma, and also by other Piedmontese agents against the Grand Duke of Florence. A couple of years ago everybody was full of the story that the Grand Duke had left orders to bombard Florence; but who now believed it? With regard to the present state of Italy, there was a perfect system of deception practised by every one acting on behalf of the Piedmontese Government. Their Lordships knew that it existed in the Ministers of the King, because they had suffered from one of the greatest diplomatic deceptions ever attempted, when, on the occasion of the first discussion last year respecting the annexation of Savoy and Nice, a telegram with these words of Count Cavour was produced by the noble Lord opposite, "I have no intention either to sell, barter, or exchange an inch of territory." Just to show how our unsuspecting agents were imposed upon in different parts, their Lordships would find that Mr. Bonham wrote home from Naples to the effect that Count San Martino had told him that there had been great exaggeration about the reactionary bands; that there were only five of them consisting of about 100 men in each. Such a story made one ashamed of diplomacy. So far from there being only 500 men in arms in all the dominions of Naples, five times as many thousands were known to be scattered over the kingdom. Now, he thought their Lordships had a right to some accurate information on this subject, and if Sir James Hudson did not choose to write his own account of these transactions he would suggest to Her Majesty's Government an easy method of being better informed of what went on in Naples. They might refer to the official documents respecting the proceedings of the Turin Chamber of Deputies, and there they would find how far the opinions of the Neapolitan deputies corresponded with that of Count San Martino. Such was the condition to which the country was reduced by the Sardinian Government that if the people were now called upon for their votes the result would be very different. If the official accounts to which he alluded were forthcoming, Mr. Gladstone would find a charge made against the Sardinian Government of treating most harshly an individual whom they imprisoned, and distinct charges were also made against them of falsifying telegrams. He would also ask the noble Lord how he would explain the return of General Pinelli? Early in the Session, when he read General Pinelli's proclamation, the noble Lord said that the best proof that it had been disapproved by the Sardinian Government was that Pinelli had been recalled; but how was that consistent with the fact of his re-employment? It was proper that the Government should be in possession of accurate information before they arrived at such hasty judgments as those of Mr. Gladstone. The whole of Southern Italy was in a state of hopeless anarchy, and throughout the whole of the rest of Italy there was a growing distaste for the Piedmontese domination, and the people at any moment were ready to break out into open revolt. The noble Marquess concluded by moving—

> "That an humble Address be presented to Her Majesty for Copies or Extracts of any Despatches relating to the Affairs of the Duchy of Modena from Her Majesty's Minister accredited to the Courts of Central Italy, during the Years 1855, 1856, 1857, and 1858."

LORD WODEHOUSE thought he was entitled to ask the House whether it was a convenient plan that a Member of one House should be attacked as to a particular statement which he had made, and that allegations should be made against him affecting his personal accuracy, in the House of which he was not a Member, and in which he was not himself present to answer this attack? No doubt it would be very disagreeable to the accusers of Mr. Gladstone to meet him face to face. No doubt they found it a great deal more convenient to bring these charges where he himself was not present to answer them; but it would be only fair and just towards him, and would only accord with the usual practice of Parliament, that the accusations should be brought forward in the House where the statements complained of were made. Now, the whole of the speech made by the noble Marquess referred to statements made some months ago by a Member of the other House, and in point of strict order it was not open to a Member of one House to comment upon a speech made in the other. He disclaimed the slightest wish, however, to avoid entering into the case. What he wanted to hear from the noble Marquess was whether the documents which had been printed and published at Modena were forgeries or not. [The Marquess of NORMANBY: How am I to know?] Well, then, how was he (Lord Wodehouse) to know? [The Marquess of NORMANBY: I have not seen them.] When grave accusations of this kind were brought forward, it was surely desirable to study the documents out of which they arose. These documents, for the authenticity of which he was not called upon to vouch, were published at Modena by the authority of the Provisional Government, and were declared to have been found in the archives of the Modenese Government. Some of them were published in 1859 and others in 1860. Of course, if it could be shown that they were not authentic, all that was based upon them at once fell to the ground; but they were uncontradicted in any form by those who were supposed to have written them. Indeed, the noble Marquess himself had given some confirmation to them when he said that those by whom they had been published had stolen private letters. The noble Marquess did not allege that they were forgeries, and seemed to admit that they were private letters containing orders given by the Duke of Modena to his Ministers. Then the noble Marquess said they were not edicts. Now, that was the very thing he complained of. The main charge against the Duke was that he was constantly interfering with the ordinary administration of the law, and interfered not by edicts, but by rescripts addressed to his principal Ministers, which rescripts, affecting the personal liberty of his subjects, were by him considered to be private letters. If it were necessary to justify the declaration of the right hon. Friend that there was a state of utter lawlessness in the dominions of the Duke of Modena, he thought such a justification could be found in the remark of the noble Marquess, without going any further. But he wished to point out something which the noble Marquess had omitted to remark—namely, that the particular statement respecting the alleged execution of Granaj, about which Mr. Gladstone admitted that there might be some inaccuracy, was only one of many statements made by his right hon. Friend. The noble Marquess said nothing whatever about the other statements. Mr. Gladstone in his speech alluded to a variety of orders issued by the Duke of Modena. As to the case of Granaj Mr. Gladstone admitted he was in error in saying he was executed; but he still contended that the law which was made applicable to him was an *ex post facto* law; and a further examination of the papers confirmed the view he had taken. It appeared that a state of siege was established at Carrara; that came to an end on the 13th of December, 1854. A military commission was appointed in 1857, that was empowered to judge a variety of crimes. One of them was "insults by words against the military authorities." Another order made the law of capital punishment applicable to persons under eighteen years of age. Another order gave the Millitary Commission power to judge all crimes committed since the state of siege was put an end to. Their Lorships would observe the dates. The state of siege was terminated on the 13th of December, 1854. The Military Commission was appointed in 1857, and it was empowered to take cognizance of all crimes committed since the close of the state of siege. Now, the order referring to the man Granaj was dated the 27th of August, 1855. It was perfectly possible for crimes committed between 1854 and 1855 to have been judged by an *ex post facto* law; it was impossible to put any other construction on the documents; that being the case, he thought Mr. Gladstone was not without justification in making the statement. It appeared also from these documents that the Duke of Modena wrote a letter to one of his Ministers in which he complained of the tribunal of appeal, which he said made itself the advocate instead of the Judge of criminals. Another point the noble Marquess had alluded to in a rather cursory manner. He spoke of a certain house of detention as if it were a reformatory where prisoners were taught useful trades. But one of these orders issued by the Duke of Modena did not seem to bear out the description. By this order the Duke, alluding to the prisoners who were under condemnation for criminal offences—about 254 in number—said that with regard to one-third of these, in consequence of the mildness of their sentences, they were to be confined in the reformatory after the expiration of their sentence, until they had given proof of amendment. That the sentences of the Judges would be thus revised by the Executive, and persons kept in prison for indefinite period, was, he thought, rather arbitrary. The noble Marquess said that only five persons were executed in Modena during a considerable period. [The Marquess of NORMANBY: The Duke's whole reign.] During the whole reign of the Duke. But Mr. Gladstone's charge was not of cruelty, but of arbitrary Government; that the Duke revised the sentences of the Judges as he thought proper, and that this was an intolerable system. Another case was curious. Three prosecutions were dismissed by the Judge "for want of proof." The Duke calls this "a pretended want of proof, when there was the unanimous deposition of the *forza pubblica*." In another order the Duke complains of want of vigour in repressing a disturbance in a theatre in Carrara; he says, "The soldiers are to make use of their arms," and that "a wounded soldier ought to cost dear to a population that is guilty of such a misdeed." It appeared that the Duke interfered in every way with the administration of the law. But, not satisfied with defending the Duke of Modena, the noble Marquess had taken Her Majesty's Government to task in reference to the reappointment of General Pinelli, who had been sent back to Naples. They were not responsible for that or any other appointment of the Italian Government. The noble Marquess complained of all the official reports received from Italy that were not in accordance with his own views, and thought no confidence ought to be placed in them. For instance, he was surprised that Mr. Consul Bonham should exhibit such a want of information as to the brigandage in the Neapolitan territory. But a few weeks afterwards, when the number of the bands had increased, Mr. Bonham reported, on the 8th of June, that brigandage "prevails to a great and alarming extent." He could not see why the noble Marquess should complain because Mr. Bonham did not, in his first Report, make the number so large as in the second. As to the papers asked for by the noble Marquess, he did not suppose that they could be of any use to him personally, and, without further inquiry, he was not prepared to say that they could be produced without inconvenience to the public service.

THE EARL OF DERBY: My Lords, I think it is a matter of regret that at this late period of the Session my noble Friend (the Marquess of Normanby) should have thought it necessary to call attention to the case of the Duke of Modena; but I by no means desire to cast the slightest imputation or blame on my noble Friend for having come forward in the manner he has to satisfy what appeared to him to be the claims of public justice, as well as of private friendship for a Prince in misfortune, inasmuch as the Duke of Modena has been in an extraordinary and unusual manner attacked by one of the Cabinet Ministers of this country. It may be but of little importance to us what course the Duke of Modena pursued when he filled the position of a reigning Prince; but it is of the greatest importance to the character of this country and to the character of Parliament that a member of the Government should not avail himself of the facilities afforded to him by his official position and his seat in Parliament to throw out against a deposed Sovereign, on no sufficient evidence, a charge which it was impossible that the person accused should have an opportunity of meeting. And when the noble Lord opposite (Lord Wodehouse) says he thinks it a most extraordinary thing that my noble Friend should not have brought forward his defence of the Duke of Modena in the place where the accusation was made, he must know that my noble Friend has no opportunity of making that defence in the House of Commons, and no opportunity of bringing the right hon. Gentleman the Chancellor of the Exchequer face to face with him in this House. What the noble Marquess has done has not been to bring him face to face; but in the correspondence he has driven the right hon. Gentleman from point to point, and obtained from him a reluctant, though in some respects certainly not a gracious, retractation of errors into which he has fallen. I think a generous mind would naturally shrink with repugnance from taking advantage of the opportunity—even if forced upon him—of expressing in the House of Commons exultation and triumph over the fallen and putting forth slanders against the unfortunate; yet, without the slightest necessity, or any provocation to such a course, the right hon. Gentleman has in his place in the House of Commons brought against an absent Sovereign charges of the most heinous character—accusations which he has subsequently admitted that on investigation he is not able to substantiate. I have seen the letter from the Duke of Modena to my noble Friend to which the noble Marquess has made reference. I think my noble Friend exercised a wise discretion in not reading that letter, which is very long; but if it could be laid before your Lordships you would see that there is not a sentence in it that does not denote that it has emanated from a man conscious of the rectitude of his own conduct, and feeling that he has been unjustly accused by the Minister of a friendly Sovereign who, availing himself of the opportunity which his position as a Minister and a Member of Parliament afforded him, has given utterance to those charges, and stated them in such a manner as would convey the impression that they were founded on official documents to which he, as a Member of the Government, had access. And now, as to official documents, the noble Lord opposite held in his hand a book which appeared to be very voluminous, and which, perhaps, the Duke of Modena, my noble Friend, or none of us in this House has ever seen; but having heard one or two quotations from that book, we are called on to state whether in our opinion those documents are forged or not. Not having seen them, it is impossible for us to say. This my noble Friend said, that if some were authentic they had been obtained by the basest means and in the most unworthy manner. He further stated that papers had been left by the Duke of Modena in the confidence that they contained nothing against his character or which a generous enemy could publish to his disadvantage. They were left in the archives of Modena. Whether what we have heard of them have been correctly published we do not know, but if they have been they do not bear out the charges which Mr. Gladstone thought fit to bring against the Duke of Modena in the House of Commons. The noble Lord opposite enters on the discussion as to whether the Government of the Duke of Modena was an arbitrary one; and he appeals to the noble and learned Lord on the Woolsack to know what he should think if the Executive of this country were to call on the Judges to revise their sentences, with a view to making them more severe. It is not necessary to tell us that the Duke of Modena's was not a constitutional Government; it is not necessary to tell us that he had an arbitrary power. It may be very objectionable that any Sovereign should have it in his discretion to exercise such a power; but that is not the question—the question is whether the Duke of Modena is open to the specific charge of which Mr. Gladstone said he was guilty. He did not volunteer in the House of Commons to show the arbitrary character of the Government, but the arbitrary, cruel, and disgraceful manner in which, according to him, the Duke of Modena had exercised the power placed in his hands; in proof of which he stated that by an *ex post facto* edict he ordered the execution of a young man who did not come within those laws of the country which provided capital punishment. The charge of Mr. Gladstone was that an edict for the execution of Granaj was issued, and it was left to be inferred that the young man was executed. That is now retracted, I admit, but in what manner? Mr. Gladstone says, "I think my words conveyed something more than I was justified in saying; but there was an *ex post facto* edict which rendered the young man liable to be executed." My Lords, that is a very different statement from the first; but even that has been clearly disproved by the evidence read by my noble Friend. No young man under the age of twenty-one has ever been executed in Modena during the Duke's reign. That is an indisputable fact which defies all contradiction or question. It is true that after atrocious crimes had been committed a letter was sent from the Duke of Modena to his Minister, directing an alteration to be made in regard to the laws. In that document the Duke does point out the inadequate sentence that had been passed on Granaj under the existing law, and directs that the law shall be modified so as to include within the offences liable to capital punishment the case of deliberate murder, even though the criminal is under twenty-one years of age. Is the alteration therein suggested a very unjust one? I should like to know whether in this country a man under the age of twenty-one years is not liable to execution for deliberate murder? The law of this country recognizes no such distinction as that which would exempt a person from capital punishment because he is under age. The Duke of Modena thinks there ought not to be such an exemption in his country, and he sends a direction to his Minister, who is drawing up a new code of law, and says, "Make under the new law premeditated murder, even when committed by persons under the age of twenty-one, punishable by capital punishment." Why, that is the law here, and that is the ground upon which Mr. Gladstone's charge rests, of an *ex post facto* edict having been issued by which Granaj was made subject to the penalty of death. Even under this direction —for it was not an edict, but a direction to a Minister to prepare an edict making an alteration in the law—there was no such intention as that alleged in the charge. No one pretends to say that the edict was ever carried into effect. In point of fact, it never was an edict at all; but in the letter quoted by my noble Friend, the Duke of Modena, distinctly and emphatically declares that even this direction was not intended to apply to the case of Granáj or to any other that had occurred, and, moreover, he declares, in the language of an honest man, that if he had intended to give a retrospective operation to the proposed law such an intention would have been most reprehensible. As an indication of the animus which dictated this charge, I may observe that Mr. Gladstone stated that the Duke of Modena had directed this edict to be acted on by a Commission composed of Austrian officers, and that this Commission was directed not to refuse the evidence of soldiers. The not refusing the evidence of soldiers where the population was in insurrection, and the place was in a state of siege, was made one of the *gravamina* of the charges against the administration of the law under the Duke of Modena. But my noble Friend has shown conclusively that whereas the Duke of Modena was charged with causing Granaj to be executed, the fact was that he never was executed. He was charged with having passed an *ex post facto* enactment authorizing him to be executed—it was shown that no such *ex post facto* legislation was passed; he was charged with having caused him to be tried by a Commission of Austrian officers—it was proved that for eighteen months there had not been an Austrian officer in his dominions; he was charged with having enforced an *ex post facto* law, by which persons under twenty-one years of age were executed —it was proved that there were only five persons executed under the Duke's whole reign, each of whom had committed offences punishable with death under the civil law of the country, and that not a single person under twenty-one years of age was punished with death then or at any other time. These are the charges that were made against an absent and unfortunate Sovereign; and when these questions come to be discussed in the House of Lords, their Lordships, feeling the injury which has been done to the character of the country by one of the Ministers of the Crown availing himself of his position to put forth groundless and unfounded charges, and then refusing to offer a frank and fair refutation and retractation of charges, such as I should have thought an honourable man would have been only too eager to make—then, forsooth, we are met with the plea that he is not here to defend himself, and that we are bringing an accusation against him in his absence. Why, the accusation against the Duke of Modena was not only made in his absence, but was circulated all over Europe in the columns of *The Times*, and went forth as having been made in the freest assembly in the world by a Minister of the Crown, with all the authority of the Government to back it up; and that allegation must have been received as true unless some person, prompted by the honourable motives which have actuated the noble Marquess, and possessing his means of information, had come forward to contradict the charge, and to scatter to the winds the accusations made by Her Majesty's Chancellor of the Exchequer. My noble Friend says, if you wish for information relative to the years in which those transactions are said to have occurred, you have the means of furnishing the House with them; and those very documents, though they are not brought forward, have been quoted from this evening. [Earl GRANVILLE made a gesture of dissent.] Why, I see them now in the noble Lord's hand. We have never seen them, and we cannot act upon them. I always thought the rule was that the Minister, if he did not feel himself at liberty to lay papers upon the table of the House, should abstain from quoting from them. My noble Friend says if you wish to have authentic information as to the proceedings in Modena, as to the conduct of the Government, and the relations between the Government and the people, the estimation in which the Duke was held, and as to the general condition of the country, you will lay on the table those Reports which you received from your agents during the last three years; and we shall then be able to see whether there is in them anything which justifies the charges of misconduct and criminality brought by the Chancellor of the Exchequer against the Duke of Modena. I think it is a matter of perfect indifference to my noble Friend whether these documents are produced or not. Of this I am quite sure, that if they could substantiate the charges made by the Chancellor of the Exchequer there would be no repugnance or difficulty on the part of his colleagues about laying them on the table. If they are refused, I presume the fair inference will be, to say the least, that they do not support those charges. I certainly have a very strong suspicion on my own mind that they contain abundant matter for repudiating them. I should by no means recommend him to press for their production against the wish of Her Majesty's Government, I think he may feel perfectly satisfied with what has taken place. And I trust what has passed in this House will afford some reparation to that unfortunate and injured Sovereign—into the merits of whose Government I will not enter — for the grievous wrong and injustice which have been perpetrated upon him in the other House of Parliament.

EARL GRANVILLE: My Lords, I entirely agree with all that has fallen from the noble Earl as to its being disagreeable, even if necessary, to make an attack, not merely upon a deposed Sovereign, but upon any individual, whatever his position, who may be in adversity, and who is not present to defend himself. But that principle has been pushed to an extreme which seems to me utterly indefensible. What is there in the character of a deposed Sovereign that renders it impossible, in the course of a discussion in Parliament bearing upon political questions, to bring any act of the Duke of Modena, fairly stated, before the public? Or in what way are the charges brought against that Sovereign more reprehensible than the political and personal attacks which we have heard in this House almost daily from the noble Marquess upon the King of Sardinia, his Ministers and Generals, who, equally with the Duke of Modena, are absent from this House, and have no available means that I know to repel the attacks made upon them? I confess I cannot see the difference between them. The charges brought against Mr. Gladstone with so much energy by the noble Earl who has just sat down appear to me to amount to this—that he had no business whatever to bring any accusations whatever against the Duke of Modena, and that those which he did make were unfounded. I can conceive nothing more reasonable than, in a discussion on the great Italian question, very much turning on the right of resistance on the part of the people against the constituted Government, inquiry should be made as to the character of that Government, the treatment which the people have received, and the reason which they have to complain. I think if it could be shown that the Government of the Sovereign of that country had a revolutionary tendency—and there is no course more pregnant with revolution than a rule systematically opposed to the established law of the country—it would have a very material bearing upon the discussion. And such was the line of argument adopted by my right hon. Friend. But one single point of his argument and his charges has been impugned. After a correspondence with the noble Marquess, and after a careful examination of the facts, my right hon.

Friend came to the conclusion that he had been mistaken in one respect, and had drawn a wrong inference. He, thereupon, went down to the House of Commons and made a statement exactly to that effect. The noble Earl has referred to that speech, of which he derives his impression from a short abstract in a weekly paper. I sometimes read a weekly paper, in which I see short abstracts of the noble Earl's remarks, and I can assure him he would by no means acknowledge that they contained a correct representation of what had fallen from him. The noble Earl, who must have been in desperate want of an argument, says it is not the rule to read from private letters or from despatches which have not been laid on the Table of the House. It is not the habit of any Government that I know of to lay on the Table documents belonging to other Governments. This book was published by the order of the *de facto* Government established at Modena at the time—a revolutionary Government I admit, but which was afterwards regularly constituted. The book consists of documents found in the archives; it has been published now for more than a year, and its contents have never been impugned. The noble Earl says the Duke of Modena never read it;—that fact appears to me perfectly incomprehensible. I have got a copy of the book myself, several friends of mine possess copies of it, and it was circulated all over Italy. If the Duke of Modena doubted its authenticity, and had been unable himself to procure a copy, he could easily have procured an agent who would have got access to it and investigated its contents; and if these could have been shown to be fictitious they would have inflicted indelible disgrace upon the men who forged such documents. But nobody has ventured to say that they are not literal copies of the instructions given by the Duke of Modena or his Minister to his private Secretary. The noble Earl says he presumes we shall refuse the papers asked for by the noble Marquess, and he, thereupon, grounded a charge against Her Majesty's Government. I can only express my own belief that it would be useless to produce them. It may be satisfactory to the noble Marquess to see what he wrote; but I cannot say I should think it perfectly conclusive if no such charges appeared in them. But, if the House thinks that it is worth the expense to print them, I conceive there will be no disadvantage to the public service in allowing them to be laid on the Table. I certainly object to these personal discussions. And I think, with my noble Friend the Under Secretary for Foreign Affairs, it would be infinitely more satisfactory if they occurred in the House in which the debate originally took place. The noble Marquess, in the course of his speech, did little more than read letters; and, as there are several persons in the other House who take the same strong interest in foreign politics as the noble Marquess, I do not see in what way the Duke of Modena's case could have suffered had he placed the papers in the hands of some Member of the House of Commons to enable him to reply to the Chancellor of the Exchequer. I am bound to say that anything more incorrect than the statement that all the charges of the Chancellor of the Exchequer have been scattered to the winds I never yet heard.

Lord BROUGHAM said, that when a person was reading a correspondence in which he had himself taken part, it was very common for him to read his own letters with much greater distinctness, with much more emphasis, and much more audibly, than his adversary's. That was what had occurred with the noble Marquess. When he sat, as he did at the commencement of his noble Friend's speech, in his usual place on the other side of the House, he heard every word, every syllable, and every letter of his noble Friend's letters; but whether it was that in the transition from his own to Mr. Gladstone's letter his noble Friend dropped his voice—not knowingly and wilfully—God forbid he should charge him with that! — or from other causes, he certainly did not hear the letters of the right hon. Gentleman. When he came to the side of the House from which he was then speaking he heard better; but still Mr. Gladstone's letters were not read with the same emphasis and in the same clear tone as were those of his noble Friend. The charge against Mr. Gladstone was this—he accused the Duke of Modena of issuing a retrospective edict which went to the punishment of offenders who were not then of legal age, and he assumed that that edict had had its operation, and had caused the execution of a person named Antonio Granaj. It was natural that Mr. Gladstone should think that if the Duke of Modena issued this edict he did it with the intention that it should be carried into effect, because it was known that the Duke was "nauseated" with certain sentences because he thought them too mild; and it was also natural that he should suppose that execution had actually taken place, because in Modena procedure was very summary, and execution followed very rapidly upon sentence. Again, as this edict was issued for the express purpose of punishing persons for offences committed previous to its being issued, it was a very probable presumption that this offender had been executed. More than that, however, Mr. Gladstone had information that the execution had in fact taken place, so that the probability was in his mind, connected with something like certainty. The charge against him was that when he discovered that he had been misinformed, and that, in point of fact, the execution had not taken place, he did not sufficiently retract, and explain, and express his regret for having made the statement. Now, in the House of Commons—in the very place where he had made the charge—Mr. Gladstone expressly stated that he had been misinformed, that his information was incorrect, and the inference which he had founded upon it erroneous. The noble Marquess asked why he did not express any regret? He (Lord Brougham) had not the good fortune—and he should always esteem it great good fortune to be present when so great a speaker, so eloquent and brilliant an orator as Mr. Gladstone was to be heard—to be in the House of Commons on the evening when the right hon. Gentleman made his statement, having crossed the threshold of that House only twice since the 19th of November, 1830, namely: once about a year ago to listen to Mr. Gladstone, and again the other night to hear his noble Friend at the head of the Government explain his intentions with respect to the Amendments introduced by their Lordships into the Bankruptcy Bill; but he understood from his noble Friends who heard the explanation, that Mr. Gladstone did express his regret that he had fallen into this error. One word with respect to the book of which so much had been said. Mr. Gladstone's statement proceeded upon documents which had been published officially by the provisional or temporary or *de facto* Government of Modena. They had been for twelve months exposed to sale and accessible to every one. But the Duke of Modena could not by any means obtain a sight of this book, nor, it appeared, could the noble Marquess. The only persons who laboured under the misfortune of not been able to procure them were the client and the advocate, the Duke of Modena and the noble Marquess. But, then, the noble Marquess said, "How can you tell that these documents are not forgeries?" and Mr. Gladstone might reply, "How can you tell that they are?" Nobody pretended to say that they were forgeries—for anything that appeared they were authentic; and, if they were, Mr. Gladstone's defence was complete. If the letters which were now sought for were in the Foreign Office, no doubt they would be forthcoming, and their Lordships would then see whether Mr. Gladstone was borne out in his statements by those documents. It had been urged in favour of the Duke of Modena—of whom he desired to speak with all the respect due to misfortune—that he had removed or destroyed none of his papers; and these papers would show that he was perfectly clear of the charge. It was a very unusual thing for persons, either upon Grand Ducal or other thrones, or upon no thrones at all, who were engaged in proceedings which would not bear the light, to put in writing what they were doing, to manufacture evidence against themselves, and leave it to be found by their enemies. Such a proceeding was, in the life of a criminal, whether throned or not, most unusual. What was the Duke of Modena's defence? He said, "Search my depositories and you will find no papers to show that I am guilty." He did not believe there was any prisoner now waiting for trial at the Old Bailey or elsewhere who, if he could not with truth plead "Not guilty," could not at least say truly that he had not knowingly left behind him any evidence against himself. The other evening, when the noble Marquess gave notice of his intention to bring forward this subject, he said he wished the Grand Duke a good deliverance, meaning not only from his accuser, Mr. Gladstone, but from his advocate, for they had here another illustration of the proverb—"Save me from my friends, and I will protect myself against my enemies." As the noble Marquess had extended his observations beyond the case in point to the general state of Italy, he (Lord Brougham) might be allowed to say that he still held, as he had always done, that there was no act more utterly without justification, and even without extenuation than for a nation, whether France, Piedmont, or any other, to possess itself of the territory of another State under the pretence that its government was bad. That was the pretext under which one of the greatest crimes of ancient or modern times—the first partition of Poland in 1772—was committed. At that time Poland was subject to an elective monarchy, under which perpetual anarchy prevailed; but that was no excuse for the conduct of Prussia, Austria, and Russia. With regard to a solution of the Roman question he wished he could say as he had said of the proceedings of France and Sardinia elsewhere—

> "Quod non fieri debet factum valeat."

However much he might disapprove the act itself before it was done, yet after it was accomplished he could not but hail with heartfelt joy the termination of the atrocious tyranny of the Bourbons. The present Government of Rome was elective, like that of Poland, and was one of the worst in Europe; but still that would not justify the seizure of the Papal States by any foreign Power. He hoped the day would arrive when they would free themselves from the bad Government under which they were suffering, that that would be effected by themselves, and that they would be left to themselves without the intervention of other parties. He was altogether opposed to the new-fangled notions about nationalities—as if the origin of any nation or the form of any Government gave a foreign Power a right to interfere and appropriate the territory. But, while he could not approve the schemes of aggression to which that eminent statesman Count Cavour had lent himself, with the co-operation of the Emperor of the French, he heartily rejoiced at the establishment of a great and constitutional Italian kingdom.

THE MARQUESS OF NORMANBY said, after the unanswerable speech of his noble Friend near him (Lord Derby), he certainly should not think of detaining their Lordships with any reply, nor could his noble and learned Friend who had just sat down expect that he should take any serious notice of his attempt to amuse the House. He could only remark that he (Lord Brougham) appeared there as the advocate of Mr. Gladstone, in a spirit worthy of his client as it was ungenerous and even unfair to the Duke of Modena. As he understood there was some difficulty about consenting to the immediate production of the additional papers to which he had referred in his former statement, he begged to give notice of a Motion for their production on Friday.

Motion *agreed to.*

Lord Brougham

CASE OF QUARTERMASTER DODD.

OBSERVATIONS.

THE EARL OF LUCAN rose, pursuant to notice—

> "To call the Attention of the House to the Correspondence between the Lord Lieutenant of County of Mayo and the Government of Ireland on the Subject of the Resignation of his Commission by Quartermaster Dodd of the South Mayo Rifles, and the Appointment of his Successor."

The facts were simply these:—An officer commanding one of the regiments of militia, only lately appointed himself, and, therefore, little conversant with the proper channel for communications on the subject of discipline, erroneously applied to the Inspector General of Militia with respect to the conduct of a Quartermaster. The Inspector of Militia erroneously entered into a correspondence with the commanding officer, and recommended that a certain course should be pursued. Ultimately the Lord Lieutenant accepted the resignation of Quartermaster Dodd, and appointed a successor, without consulting him (the Earl of Lucan) as Lord Lieutenant of the county. At this time he (the Earl of Lucan) was necessarily absent from the country; but as soon as he became aware of these proceedings he saw Sir Thomas Larcom, and remonstrated with him upon the irregularity of the course which had been adopted. Sir Thomas Larcom admitted the justice of his complaint, and expressed his sorrow that an unusual course should have been taken. He was perfectly satisfied, and should have thought no more of the matter, but for what subsequently occurred. In April he had received a letter from Sir Thomas Larcom, informing him of all which had been going on during two months previous, and which ended in the acceptance by the Government of the resignation of the Quartermaster. In May he wrote a reply protesting against his authority, as Lieutenant of the county, being superseded; and he was in hopes, after the expression of regret by Sir Thomas Larcom, to which he had referred, that the Government of Ireland would have at once admitted that what had been done had been done inadvertently. But great was his astonishment when he received a letter, dated the 11th of June, in which it was distinctly laid down that the position of Lieutenants of counties in Ireland differed entirely from the position of Lieutenants of counties in England; that communication with Lieutenants of counties in Ireland on subjects of discipline was totally unnecessary; and that the most convenient and regular course was for the commanding officer to communicate directly with the Government in Dublin. He believed there were several Lieutenants of English counties present, and he thought they would agree with him that nothing could be more illegal or improper than such direct communications, or that the resignation of an officer should be accepted without the intervention of the Lieutenant of the county. On the receipt of that letter he again remonstrated, and the Government thought it sufficiently important to refer the question to the law officers of the Crown. In their opinion they stated that the Irish Government had acted legally in reference to the case of Quartermaster Dodd, and that the Executive were justified under the circumstances in accepting his resignation. He (the Earl of Lucan) ventured to impugn that decision as being contrary to the intentions of the Legislature when passing the Acts which defined and regulated the duties of Lords-Lieutenant of counties. Looking at those Acts, he contended that there was no such distinction as was alleged between the powers and the duties of the Lords-Lieutenant of the two countries. The appointment of the quartermasters of militia regiments was vested exclusively in the Lords-Lieutenant of counties, and he believed that the Government had acted contrary to law, right, and usage, in appointing an officer as successor to Quartermaster Dodd. The Government said that the appointment of such officers was vested in the colonels of regiments. He concluded that it was vested in the hands of the Lords-Lieutenant of counties. It certainly never was the intention of the Legislature that any act should be done under the authority of law to degrade the office of Lord Lieutenant of counties, and he, therefore, hoped that Her Majesty's Government in that House would be able to give a satisfactory explanation on the subject.

EARL GRANVILLE was understood to say that he concurred with his noble Friend in his view of the high office of Lord Lieutenant of a county, and that it never was the intention of the Legislature to do anything that was calculated to degrade it. Her Majesty's Government, however, must be bound by the decision of their law officers in such cases as that to which the noble Earl had just called their attention. He thought there could be no doubt that there was a distinction between the office of a Lord Lieutenant in England and in Ireland. The whole subject would, however, be considered by the Government.

BOOK OF COMMON PRAYER.

PETITIONS.

LORD EBURY rose, pursuant to notice, to present a Petition of Members of the Church of England and Ireland, praying for an Address to Her Majesty to appoint a Commission to inquire into the Subject of the Book of Common Prayer, with a view of making alterations therein. The noble Lord said that he had not given notice of his intention to present this petition, which was not numerously but most respectably signed, on account of any special importance he attached to it, but because he wished, with their Lordships' permission, to avail himself of the opportunity to state to the House and the country the reasons which induced him not to proceed with the Motion of which he had given notice at the termination of the last Session of Parliament, to lay this year upon the Table of the House a Bill to alter and amend the Act of Uniformity. In the first place, throughout his connection with this question he had been desirous that the initiative should come from the ecclesiastical element in the legislative body. He had, therefore, waited to see whether the Convocation of the Province of Canterbury would make any move in that direction. It had done so before; it might do so again. That body met this spring under new circumstances, inasmuch as they had asked and obtained a licence from the Crown to enter on the path of Reform. Undoubtedly it was not of a very radical description; still it was a step in the right direction, and he had hoped that they might have considered the propriety of requesting those of their body who had seats in Parliament to propose legislation to ameliorate some of those evils which had been the subject of such frequent complaint. Circumstances, however, occurred which prevented the further consideration of these matters. Their Lordships would recollect that the meeting of that body was twice postponed; once owing to a domestic affliction in the family of the most rev. Prelate, and once on account of his much regretted indisposition. Meanwhile the opportunity for acting in this House was passing away; and in addition, the storm raised by the discussion of the *Essays and Reviews* made it impossible to obtain a fair hearing for anything else. It was, therefore, considered by those who had the conduct of this question of liturgical revision to be an inopportune moment for stirring it in this House. Now, before he proceeded to state his intentions as to the future, he wished to draw their Lordships' attention to the altered position in which this question stood, since he made his statement in that House in May last year. Subsequent to his Motion in the House last May a similar one was made in the Lower House of Convocation with great ability by the Dean of Norwich and Mr. Oxenden, one of the elected representatives of the diocese of Canterbury; and, although not successful, yet if any of their Lordships would look into the Ecclesiastical *Hansard* they would see that their arguments remained unanswered, and that many who would not vote for the Motion at that time begged they might not be considered as pledged against it. Then, although in some episcopal charges a revision of the Liturgy had been somewhat apologetically deprecated, yet the right rev. Prelate who presided over the diocese of Glocester and Bristol had recommended it unhesitatingly, and in words to which he begged their Lordships' attention—

> "The further revision of the Liturgy has been strongly recommended by persons of learning and piety at various times since the last revision of 1802. Indeed, all true friends of the Church must, in the abstract, be in favour of revision. However wedded to those forms which they rightly cherish as one of the greatest blessings which they have inherited from their forefathers, they can hardly deny that there are some alterations which would render the Prayer Book more perfect, and they must esteem it a service done to the Church of no little moment if any defect in her ritual were remedied, any acknowledged deficiency supplied, any change made by which, without the sacrifice of what is essential, the prejudices of Separatists might be removed and the peace and unity of the Church secured. He also adds that he sees no reason why that should not be done at once."

But the most remarkable circumstance yet remained to be considered, and it emanated from the most rev. the Primate of Ireland, with the approbation of the Archbishop of Dublin. The House was aware that in consequence of the Provincial Synods of York and Canterbury having obtained a licence from the Crown to do so, they proceeded to alter the 29th Canon, which relates to parents becoming sponsors for their own children. When this was done, one of the Irish Bishops and his clergy called upon the most rev. the Primate to convene a Synod for the purpose of following their example. This, however, the most rev. Primate declined to do, on account of an opinion which he entertained, after consulting with the ablest ecclesiastical lawyers of this country, that the 29th Canon never had any validity whatever, and, therefore, that, whether it were altered or no, the law remained the same; but he had added these remarks, which, coming from so highly respected a source, he was sure would be most interesting to the House—

Lord Ebury

> "If at any time a well-considered plan for a general revision of the canons and rubrics, or for shortening the accustomed services, or for amending the laws which regulate the discipline of the Church, should be previously framed by the heads of the Church and State, it would seem to me that a National Synod of the united Church is the appropriate body for considering the principles and arranging the details of such a measure before the introduction into Parliament of a Bill to give it legal effect; should an occasion of this kind present itself during the remaining period of my protracted Primacy my best efforts shall be used for the convening of a National Synod."

Their Lordships would, therefore, see that there was abundant evidence to show not only that this question was not disposed of by the rejection of the Motion which he had the honour to make last year, but that it was as unsettled and as rife as ever, and as urgently requiring authoritative interposition. He should like to have added some further observations in reference to this part of the subject, but he had already trespassed at some length upon the patience of the House and would refrain from so doing. He would merely add, that unless some move was made early next year by the ecclesiastical authorities (and this he must again repeat he earnestly desired, because he wished the initiative to proceed from them), it would be his duty to ask their Lordships' assent to a Bill for relaxing the terms of subscription, which had been so severely reprobated by some of the brightest ornaments of our Church, which had done and were doing an amount of mischief which could not be over-stated. Those of their Lordships who did him the honour to listen to him last year would remember that he described the alteration of the terms of subscription to be that without which all other alterations would be wholly incomplete. Their Lordships would, he thought, consider that the Motion would come with peculiar appropriateness next year. The fatal and revengeful Act which compelled these terms was passed in the year 1662; next year would be the 200th anniversary, and he trusted their Lordships would feel sincere pleasure in substituting for it something more in harmony with the conciliatory spirit and Christianity of our age. The noble Lord then presented the Petition; also one from Ashbourne to the same effect.

THE BISHOP OF LONDON said, he was not authorized to state that Convocation would be likely to take up this subject. He was glad, however, to see that the question had become a little more clear than it was originally. It always appeared to him that this subject was greatly complicated by the mixing up of three questions which had very little to do with each other. One was whether the services of the Church could not be made more elastic and shorter; another was whether any alteration should be made in the doctrinal statements of the formularies of the Church; and the third, whether the terms of subscription should or should not be relaxed. He was glad to hear that the noble Lord intended to confine his attention to the third of these questions. He thought the noble Lord would be more likely to attain his object if he had adopted the course pursued on a late occasion by a noble Earl (Earl Stanhope) when an alteration was made in regard to certain services. On that occasion the noble Earl distinctly pointed out what the services were to which his Motion referred, and their Lordships knew the exact question with which they had to deal. The noble Lord, however, had always pressed the necessity of a general revision of the Liturgy. Now, in former times, such a course as the noble Lord advocated had only been taken after a period of revolution. When the Church recovered from the convulsion into which it was thrown at the time of the Reformation there was, of course, a general revision. When the Royal Family and the Established Church were restored after the Commonwealth, and again when James II. was compelled to leave the Throne, there was a general revision of the Liturgy; but it seemed out of the question to propose a general revision of the whole Liturgy of the Church of England at a time like the present. If the noble Lord would set forth the changes which he wished to effect the country and the Church would then be able distinctly to judge whether or not those changes were desirable, or whether they would not cause that general unsettlement of feeling throughout the country which was much to be deprecated. As to the terms of subscription, it was of great importance that the public should not suppose them to be more rigid than they really were. His impression was, that a man who conscientiously believed the Church of England to be the Church in which he wished to live and die, and who was not more attached to any other form of Christianity than that which the Church of England presented, might fairly and safely make the subscriptions which were required of him by the present law. These subscriptions were not so strict as the noble Lord seemed to imagine. They stated that the person who subscribed accepted the Articles of the Church of England; that, if he took orders, he would act according to the formularies of the Church; and that he upheld the Royal supremacy. The subscriptions were required of all clergymen and some laymen; they were required of every one becoming a governing member of the University of Oxford. They had been made by the noble Lord himself as a member of the University of Oxford, and he did not believe they would be found to go beyond what he had just stated. If, however, it should be found that they pressed in any way upon the consciences of scrupulous persons, and if any safe relaxation could be proposed, he was quite sure such a proposal would receive great attention from the right rev. Bench and from Convocation. What he had always deprecated was the general unsettlement in the Church of England which would certainly result from throwing the Prayerbook into the hands of a Commission with general authority to alter a course. As to the services of the Church, he had several times stated that they might, if it were desirable, be shortened. The Litany, for example, might, under the sanction of the diocesan, be used as a separate service; and there were other modes by which the services, if too long, might be abridged. But the great obstacle to this was found to be in the feeling of the laity, and if a clergyman ventured upon such a change it was extremely likely that he would find his position in the parish not particularly pleasant.

THE MARQUESS OF WESTMEATH thought the extreme length of the services was objectionable. In the Morning Service the Lord's Prayer was repeated five times. He had been told that the right rev. Prelate himself, on one occasion, in reading the service at a consecration, said, "You have had the Lord's prayer four times, I will not give it you again." [The Bishop of LONDON, by gesture, expressed his denial.] The Litany, it was suggested, might be omitted, and put in the Evening Service; but if there was any part of the service a "miserable sinner" might wish to retain, it was the Litany. Many of the clergy endeavoured to strain the existing law, but any effective movement must come from the Bishops.

VISCOUNT DUNGANNON could not understand the complaints relative to the repetition of the Lord's Prayer, and he regretted the manner in which it had been alluded to by the noble Marquess. Nothing of human origin could be entirely free from error; but if any composition was or could be perfect, it was the Liturgy of the Church of England. The laity generally disliked any innovation that would affect it, and he deprecated the repeated discussions on the subject of changes that could have no result but to unsettle and disturb men's minds. He did not cast any reflection on the course pursued by the noble Lord, but he regarded with alarm and anxiety any suggestion for altering the incomparable Liturgy of the new Reformed Catholic and Apostolic Church.

Petition read, and ordered to lie on the Table.

TRAMWAYS (IRELAND) ACT AMENDMENT BILL.

REPORT OF AMENDMENTS.

Order of the Day for receiving the Report of the Amendments.

Moved, That the said Report be now received; objected to; after short debate, *Resolved* in the *Affirmative*.

Amendments *reported* accordingly.

LORD REDESDALE moved to omit Clause 7.

On Question, Whether the said clause be omitted?

Their Lordships *divided*:—Contents 10; Not Contents 10.

THE LORD CHANCELLOR decided that by the rule *semper presumitur pro negante* the Motion was negatived.

The clause was accordingly retained, and the Bill was then agreed to, with some verbal Amendments.

Amendment *negatived*.

Bill to be read 3ª on Monday *next*.

House adjourned at half-past Nine o'clock, 'till to-morrow, Twelve o'clock.

HOUSE OF COMMONS,

Monday, July 22, 1861.

MINUTES.] PUBLIC BILLS.—1° Newspapers, &c.; Public Offices Site; Revenue Departments Accounts; Lunatics (Scotland); Treasury Chest Fund.

2° Gunpowder, &c., Act Amendment; Passengers (Australian Colonies).

3° Lord Clerk Register Salary Abolition; Enlistment in India; Ordnance Survey Continuance; Portpatrick Harbour (Scotland); Crown Suits Limitation; Criminal Proceedings Oath Relief; Metropolis Local Management Acts Amendment.

AUSTRALIAN SOVEREIGNS.

QUESTION.

MR. ALDERMAN SALOMONS said, he would beg to ask Mr. Chancellor of the Exchequer, If, in the Trial of the Pyx which has just been made, Australian sovereigns coined at the Branch of the Royal Mint at Sydney were submitted for assay, and if the quality of such sovereigns was equal to those coined at Tower Hill?

THE CHANCELLOR OF THE EXCHEQUER stated, in reply, that the Australian sovereign was not a legal tender or part of the coin in this Realm, and was not, therefore, by law or usage subject to the trial of the Pyx conducted under the auspices of the Goldsmiths' Company, and did not receive the benefit, whatever the benefit was, of that ordeal. There was a period when the trial of the Pyx was considered one on which the country could depend for the goodness and adequacy of the coin, which there now existed sufficient means of ascertaining independent of that trial. It must not, however, on this account be supposed that Australian sovereigns were submitted to no trial, for they were assayed regularly by the Royal Mint, and he believed that the result was most satisfactory, and that those sovereigns were found on every occasion fully equal to the standard coin.

MR. ALDERMAN SALOMONS gave notice that he would, early in next Session, bring this subject under the notice of the House.

CUSTOMS' DEPARTMENT.—QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask Mr. Chancellor of the Exchequer, What arrangements have been made for the discharge in the Outports of those duties which were formerly performed by the Controllers, whose offices are now abolished; and whether provision has been made for employing the Controllers whose services have been dispensed with upon duties as nearly as possible analogous to those which they have previously had to perform, and for securing to them their fair chance of promotion to superior situations as they may fall vacant?

THE CHANCELLOR OF THE EXCHEQUER said, that his hon. Friend was aware that the particular duties which were formerly discharged by those officers—namely, to keep duplicate cash books, in which entries were made of the payments and receipts which came into the hands of the collectors, had been abolished; and a simpler form substituted by means of the clerks at the outports, and the principal check was through the Controller General and the chief clerks in the London district. Since their dismissal arrangements had been made for the employment of some as collectors, some as clerks, some in other capacities, while some had retired on compensation. Where any had been transferred to offices lower in rank, it had been at the same salary, and always with their own consent. There were, however, a certain number on the redundant list, and he thought it would be impossible to employ all; but he could safely say that every effort was being made to reduce the number on that list.

FAIRS AND MARKETS (IRELAND) BILL, AND BIRTHS, DEATHS, AND MARRIAGES (IRELAND) BILL.—QUESTION.

In reply to Mr. LONGFIELD,

MR. CARDWELL said, with regard to the Fairs and Markets Bill, as there were a great many clauses in it, he did not think it would be just to go on with it in the absence of so many Irish Members. With regard to the other Bill, the Committee were almost unanimous in recommending that the expense should be provided out of the Consolidated Fund instead of out of local funds. It would be impossible for him to recommend that course to the House, and under those circumstances he thought the best way would be to let the measure wait until the beginning of next Session.

The Orders were subsequently *discharged.* Bills *withdrawn.*

ROYAL ATLANTIC MAIL STEAM PACKET COMPANY.—PETITION.

MR. CONINGHAM: Mr. Speaker, I have placed a Notice on the Paper of a Motion to refer the Petition of Mr. Irwin, which I presented to the House on Friday last, to a Select Committee. That Petition has been printed by the express direction of the House for the use of the Members of this House only. As that Petition contains allegations against an hon. Member who is now in his place, I beg to know whether I should not be doing right in bringing the matter forward before the other business on the Paper is proceeded with.

MR. SPEAKER: I am rather doubtful whether the hon. Member can plead Privilege in this case. *Primâ facie* any question affecting an hon. Member would be a case of Privilege. In this case the allegations of the Petition appear to reflect upon the conduct of Mr. Lever as Manager and Director of a certain public Company, before he was a Member of this House; but the Petition makes no charges, as I read it, against his conduct since he became a Member of this House, or in his character of Member. Under these circumstances I am not aware that there is any absolute precedent upon the point, and it will be for the House to say whether they will permit the Motion of the hon. Member to be now proceeded with, or whether it shall come on in its due course.

SIR GEORGE GREY: The Notice on the Paper does not state that the matter will be brought on at this hour of the evening. I am quite ready to state the course which it is my intention to take with regard to the Motion. If the hon. Member to whom the Petition refers, and who I observe is in his place, wishes the Motion to be proceeded with at once, probably the House will not object to that course.

MR. LEVER: Mr. Speaker, being engaged in most extensive mercantile operations, I am most anxious that the charge which has been made against me should be met at once—I am most anxious, now that the charge has been brought, that it should be gone into immediately, with a view of proving the utter groundlessness of the accusations that have been made against me in the Petition which has been presented by the hon. Member for Brighton.

SIR JOHN PAKINGTON: Sir, it appears to me that at whatever period the transactions alluded to in the Petition are alleged to have taken place, it must be painful for any hon. Member to have these charges hanging over him indefinitely. I, therefore, assume it to be the general feeling of the House that the Motion of the hon. Member for Brighton should come on at once.

Mr. CONINGHAM: Then, Sir, understanding it to be the feeling of the House that I should bring my Motion on at once, I beg leave to move—

"That Mr. Irwin's Petition relating to the Royal Atlantic Steam Navigation Company be referred to a Select Committee, to inquire into the allegations of the said Petition."

Mr. Alderman SALOMONS seconded the Motion.

Motion made, and Question proposed,

"That Mr. George O'Malley Irwin's Petition [presented 19th July] be referred to a Select Committee, to inquire into the allegations contained in the said Petition."

Sir GEORGE GREY: Sir, having looked into the precedents bearing upon the case now under the consideration of the House, I find that charges made against a Member of this House, whether in his capacity of Member or in his individual capacity, have, as a general rule, been received by the House; but not until after the Member accused has been afforded an opportunity of reading the Petition, and of knowing distinctly what the charges contained in it against him are, and until he has had a full opportunity of being in his place and of replying to them. In those instances in which the conduct imputed has directly affected the honour and character of one of its Members, in that capacity I find that the House has deemed it right to investigate the matter; they have thought it right to investigate the charges so made against one of its Members in respect to his conduct as a Member of this House. I will refer to two cases, one of which occurred a long time ago. In the year 1826 a petition was presented on the part of the Shareholders of a Coal and Iron Mine Company, containing charges of misconduct against certain persons, one of whom at that time occupied the position of Chairman of Committees of this House. The House did then appoint a Committee to enquire into the management of that Company, with an especial direction that they should report on the conduct of certain Members of the House in reference to that company. The other case is one of very recent occurrence. I do not know whether the hon. Member for Youghal is present, but a petition was presented within the last few years by the hon. and learned Member for Sheffield against the hon. Member for Youghal, directly affecting his conduct and character as a Member of this House, upon the ground that he had received pecuniary payment in consideration of his having advocated the claims of certain persons in this House. An immediate and searching investigation into the allegations contained in the petition was invited by the hon. Gentleman accused. The hon. Gentleman insisted upon and begged the House to institute a searching inquiry into the charges so brought against him. A Committee was appointed by the House to investigate the charges so brought against him, and the Committee came to a decision favourable to the hon. Gentleman against whom the charges were made.

Now, there are two other cases which seem to me to be strictly analogous to the one now before the House. In the year 1849 a petition was presented by the hon. Member for Haddingtonshire, which I think bears precisely on the present case. It was a petition by the shareholders of the Eastern Counties Railway Company charging misconduct against Mr. Hudson, who was then Member for Sunderland, and a Gentleman, the Chairman of the Company, who was at that time Member for one of the boroughs in Suffolk, the petition charged them with misconduct and fraudulent practices as between them and the shareholders of the Company. The petition was received, and was ordered to lie on the table—the accused Members having been heard in their places—but then the questions involved being of a nature which it was competent for the parties to have caused to be investigated before the ordinary tribunals of the country—namely, the Courts of Law, and bearing upon the Members only in their individual capacity, the House did not institute any proceedings in the matter; and I believe that in taking that course they acted upon a very wise and a very sound principle.

Now, a precisely similar course of proceeding was adopted shortly after that, in 1850, in the case of a petition presented against Mr. Feargus O'Connor a Member of this House, as connected with the management of certain landed estates. The parties petitioned this House to institute an inquiry into charges of fraud and mismanagement on the part of Mr. Feargus O'Connor. The petition was received, and Mr. Feargus O'Connor was heard in answer to those charges, and there the matter ended.

Now, I am not aware that there are any other recent precedents to be found;

but I think that the House will act wisely in this case by adhering to the principle established in the two last mentioned cases. The hon. Member having been heard in his place, and the House having heard him make a distinct and emphatic denial of the charges brought against him, I think that the House would act wisely if they proceeded no further in the matter, which may hereafter form the subject of inquiry in a court of law.

MR. LEVER: Mr. Speaker, the subject to which I am about to refer has been so widely spread throughout the country, and affects me so deeply, that as a mercantile man it would, I think, be highly impolitic that I should remain altogether silent with respect to it, even though the House should be of opinion that the case was one into which it was not called upon to institute any further inquiry. I did not make any statement the other evening except so far as denying the charges brought against me in general terms, but I said that I should be prepared to go into the whole subject this evening, and I am now fully prepared to do so. I have hitherto been satisfied with denying the allegations contained in this petition in general terms, but I am now prepared to enter into the matter with the proofs of the truth of what I have already stated in my hands, and I should feel exceedingly obliged to the House if they would allow me to read the petition paragraph by paragraph, in order that I may the more clearly be able to show that there is not the slightest foundation for a single charge which it contains. Having done that, I shall then leave myself in the hands of the House, and it will be for the House to say whether they will appoint a Committee of Inquiry or not.

Sir, the first Clause, which is stated in the petition of Mr. Irwin, is

> "That your petitioner was the original and real projector of the Atlantic Steam Navigation Company, now called the Atlantic Royal Mail Steam Navigation Company (Limited)."

MR. MALINS: I rise for the purpose of suggesting to the House whether, after the emphatic denial of the charges made by the hon. Member himself, and the statement which we have just heard from the right hon. Baronet opposite, and after the general expression of the opinion of this House, it would not be consonant with our feelings to refer this petition to a Select Committee, whether it is worth the while of the hon. Member to take the trouble and occupy the time of the House by going through the petition *seriatim.* [*Cries of* "Order, order!"]

MR. SPEAKER: The propriety of taking that course is a matter for the consideration of the hon. Member for Galway himself.

MR. LEVER: Mr. Speaker, I shall, with the permission of the House, pursue, as upon the whole the most satisfactory to all parties, the course which I had determined to adopt. This is Mr. George O'Malley Irwin's petition. The first paragraph of the petition says—

> "That your petitioner was the original and real projector of the 'Atlantic Steam Navigation Company,' now called the 'Atlantic Royal Mail Steam Navigation Company (Limited).'"

Now, my answer to that statement is, that I first conceived the idea of the Galway line towards the latter end of 1856, and that the first time I ever saw or heard of Mr. Irwin was on board one of my ships, the *Antelope*, at Gravesend, in March, 1858. The *Antelope* was carrying out troops for the East India Company. That was the very first time I ever had the opportunity of seeing Mr. Irwin. I may further observe that on referring to a Report laid before the shareholders of the Company, I find in it that the Directors of the Company make these observations—

> "Prior to the incorporation of your Company Mr. John Orrell Lever, M.P., one of your first Directors, having satisfied himself of the geographical advantages of the ports which constitute the ocean termini of your line, placed some steamships between Galway and New York, and commenced negotiations with several Railway and other Companies and with the Government authorities for the purpose of permanently establishing a line of steam-ships between Galway and America. To his foresight and energy is, therefore, due the origin of this the shortest line of communication between the Old and the New World, which it will be your privilege permanently to establish."

I received no money whatever from the Atlantic Royal Mail Steam Navigation Company for my ships and for the expenses which I had incurred in establishing that service, from the month of June, 1858, to the 1st of January, 1859. I, therefore, entirely deny that Mr. Irwin had anything to do in projecting this Company.

Now, in the second paragraph of the petition he states—

> "That, petitioner having obtained the consent of Mr. John Orrell Lever, now one of the Members of your honourable House, then of 'Hanging Ditch, Corn Exchange, Manchester,' to act as Managing Director to the projected Atlantic Steam

Navigation Company, he addressed a letter to your petitioner in the following terms:—'Liverpool, June 1st, 1858. Sir, I shall be happy to act as Managing Director of the projected Atlantic Steam Navigation Company. Yours most truly, J. Orrell Lever. To G. O'Malley Irwin, Esq., Burlington Hotel.' (As set forth in petitioner's answer to question 4,571, p. 8, of 2nd Report from the Select Committee on Packet Contracts.)"

Now, my answer to that is, that in the month of March, 1858, Mr. Irwin called upon me at the office of my brokers, and stated that he had just left Baron Rothschild and Mr. Peabody, who had consented to become Directors of a Company to work the Galway line under my management. He brought upon that occasion with him the draft of a prospectus in which their names appeared, and he told me that I must go with him to call on Baron Rothschild the following day, as the Baron was anxious to have personal explanations from me and an opportunity of conversation touching the undertaking. He also said that, prior to confirming the arrangement, I must write a letter consenting to become the Managing Director of the Company, which I accordingly wrote and gave to Mr. Irwin, supposing it to be intended for the information and assurance of Baron Rothschild and Mr. Peabody, which I have since found not to be the case.

Therefore, upon that head, the House will be good enough to understand that he obtained that letter from me under fraudulent pretences.

Then, Sir, the third paragraph of the petition is as follows:—

"That Mr. John Orrell Lever having, accordingly assumed the management of the said Atlantic Company, by such means was enabled to get from the funds of the said Company £209,954, out of which there was to be deducted £127,000 for his ships to the Company, balance left being £82,954 according to the now published accounts of the said Company."

Now, I do not think it necessary to take the slightest trouble to refute such an imputation as that; he had mentioned the matter to several parties; I do not think it worth while to give an answer to any observations coming from such a source as that.

On the 1st of September last I made a public speech to my constituents, in which I took occasion to answer some of the observations which had been made with respect to me by some of the shareholders of the Company. I will beg leave to read to the House what I then said, as I conceive it to be a perfect answer to any observations that might be made with respect to myself. I stated at Galway, as reported in the *Galway Express*—

"That real fact is that by all these transactions I have been personally a very heavy loser, while it is a matter of notoriety that had I taken advantage of other opportunities which were within my reach, I might have made a considerable profit. At the time when the Company was fully formed, I had a fleet of steamers which I proposed to transfer to the Company at a valuation price. In the course of the negotiations that followed the bills of sale were produced to show what was actually paid for the several steamers, and it was finally arranged by the Directors (I may mention that the articles of association expressly excluded me from voting on the subject) to offer me for a portion of the fleet a sum less by £11,000 than the actual cost. Having promised the Company to accept their own price, I felt bound to abide by the result, and I accepted the proposal made without any hesitation."

This fact is, I think, conclusive upon this point. The money received for all the preliminary expenses and losses incurred —the published Reports of the Company shew that £27,000 was the sum to be paid for these expenses, and for obtaining a regular service of steamers for six months, including my losses on the first vessels, which losses amounted in the gross to £17,000 out of the £27,000. This sum of £27,000 was included in the gross sum. Some of the ships were purchased in the usual course of trade, and were sold in the same manner. Deducting these charges there is a total sum of £81,000 due to me, which, in the ordinary course, ought to have been paid to me in cash. I accepted, instead of that £81,000, £10,000 of bills of the Company to enable me to pay the current expenses of the ships, and I took the £71,000 in full paid-up shares of the Company's stock.

Therefore I think with respect to that paragraph the statement I have made to the House answers that effectually.

Now the next paragraph is—

"That petitioner as originator of said Company is most desirous to have the subsidy sustained by Parliament, provided proper means are taken to prevent the committal of false and fraudulent pretences, such as have been practised by said Mr. John Orrell Lever and other officials and managers who were introduced by him into the Company."

This paragraph, I believe, I have already answered in my observations upon paragraph No. 1.

The fifth paragraph of the petition is—

"That your petitioner's anxiety to see the subsidy sustained by Parliament is perfectly reconcilable with the determination to expose and punish false and fraudulent proceedings, alike injurious to the Government of the country and to the public."

The Directors and Shareholders of the Atlantic Royal Mail Steam Navigation Company understand their own interests and possess full power to order any investigation they deem necessary. As far as I am concerned, I shall only be too happy to meet any inquiry from whatever source it may come.

The sixth statement is—

> "That false and fraudulent pretences have been practised by Mr. John Orrell Lever, and the officials and managers who were introduced into the Company by him, in circulating under the name of the 'Atlantic Royal Mail Steam Navigation Company's New Line of Steam Ships to America,' imaginary ships which never had existence, with fictitious tonnage and fictitious horse-power. That your petitioner sustains this charge by extracts from the publications and advertisements of the Company, which were extensively circulated in 'October' and 'November, 1858,' after the Company had been duly constituted, and after the articles of copartnery had been executed on the 24th of the previous month of September, 1858;' and which were as follows:—'Atlantic Royal Mail Steam Navigation Company's New Line of Steam Ships, to America,' &c., carrying Her 'Majesty's Mails, and taking passengers and cargo,'" &c.—

Steam Ship.	Captain.	Tons Burden.	Horse Power.
'*American Empire.*	Johnson.	3,000	1,000
'*British Empire.*	Williamson.	3,000	1,000

> 'For freight or further particulars apply to John Orrell Lever, Corn Exchange, Manchester, &c., as by reference to said advertisements and publications themselves, and to your petitioner's letter, published in '*The Times*,' of July 19th, 1860, stating that the above ships never had existence, may more fully appear. That no attempt has been made to answer or refute even a single charge so publicly made and widely circulated."

To that I answer that I publicly repudiated the statement, not that I should answer anything that appeared in a paper from such a source as that, but I felt it due not only to myself but to the Company which I had originated to give an explanation, and it was on that account that I made the speech to which I have called the atttention of the House. I wrote a letter to the brokers of the Company who had the charge of all the advertisements, and in answer to that letter this is their reply with respect to the allegations of the petition charging "fictitious names of captains," "fictitious tonnage," and "fictitious horse-power."

> "London, July 22nd, 1861.
>
> Sir,—In answer to your note of this day with reference to the advertisements which we inserted in the London daily papers in October, 1858, of the steamships *British Empire* and *American Empire*, of 3,000 tons burden and 1,000 horse-power respectively, we beg to state that said advertisements were drawn up by us; that we were then arranging for the purchase of Transatlantic steamers of that burden and effective horse-power; that it was intended to transfer those vessels from foreign to the British flag, and change their names when transferred. The names of the commanders, you will remember, were officers in your own employ. We may add that we distinctly remember answering to the above effect Mr. Irwin's inquiry as to the steamers in question at the time the advertisements appeared, and we can only express our surprise that Mr. Irwin should now have the audacity to make such groundless charges.—We are, Sir, your obedient servants, Bake, Adam, and Co. John Orrell Lever, Esq., M.P., 40, Cannon Street."

Therefore I think that a letter from such eminent shipowners and shipbrokers must be a perfectly satisfactory answer to these charges of Mr. Irwin.

Now the 7th paragraph is—

> "That your petitioner has observed with regret and alarm, although some changes are alleged to have taken place in the direction of the Company and said Mr. John Orrell Lever has ceased to be a Manager or Director, that the other officials and Managers referred to who were introduced by him and cognizant of and participators in the false and fraudulent pretences are in many instances retained."

Now this is a charge against the present Board of Directors, and not against myself. I ceased to be a Director of the Atlantic Royal Mail Steam Navigation Company some twelve months ago, being very much engaged in a great number of mercantile pursuits of an important character, and I at that time believed that I was transferring the management of that Company to better and more able hands. I am sure that I need not make any observation upon the character or position of the present Board. Suffice it to say that they have not only discharged their duties and carried out the service in a manner creditable to themselves (although I am not a Director), but also beneficial not only to the mercantile community but to the people of Ireland generally, and that they deserve not only the thanks of the mercantile community but the thanks of the people of Ireland.

Sir, the eighth paragraph of the petition is—

> "That both the Government and the public, as well as your petitioner, his friends, relatives, and numerous Irish farmers, have been deceived and defrauded, and will still further be deceived and defrauded unless there shall be a searching inquiry into the false and fraudulent pretences practised by the said Mr. John Orrell Lever and the other officials and Managers who were fully cognizant of and participators therein."

Mr. Irwin and his friends, under the Limited Liability Act, possess the power of calling the Directors to account and of bringing forward their charges. Mr. Irwin does not produce the name of a single shareholder who has demanded investigation, nor has he a single share in the Company. Here is a certificate to that effect which I have obtained from the Secretary to the Company :—" Mr. George O'Malley Irwin is not a shareholder in the Atlantic Company, nor has he ever held a single share in the Company since its formation." So that he never was affected in any way whatever. I think, therefore, that that is a perfect answer to anything that can be said upon that head.

Sir, the ninth and last paragraph is—

> " That said false and fraudulent practices have thwarted and brought disgrace on this great national enterprise, and eventually caused and have been the grounds of the termination of the Company's contract by the Postmaster General, the Right Hon. Lord Stanley of Alderley."

Now, all that I have to say in answer to that is that this is not the reason which is given in the Postmaster General's Report laid before Parliament for the abrogation of the contract.

Now, I think that the House ought to know something of the antecedents of Mr. Irwin, and it might be very useful that I should furnish them. My information has been derived from official documents which have been obtained at very considerable expense from the Courts in Dublin, and which will exhibit to you the character of this individual who brings these charges against me. In November, 1834, Mr. O'Malley Irwin was indicted for forgery. The trial came on on the 28th and 29th of November, 1835. The charge was for having forged a letter purporting to come from Mr. Johnston, Assistant-Barrister, of the county of Mayo, containing the resignation of that gentleman, and contriving by such means to obtain the appointment of Assistant-Barrister for himself. Mr. Irwin was sentenced to nine months imprisonment and fined £50. Mr. Irwin brought an action against me, which came on for trial on the 4th day of December, 1860, when the plaintiff seeing that the verdict would be in my favour agreed to a nonsuit. In the same month the costs in this action were taxed. On the 25th day of May, 1861, Mr. Irwin was taken in execution. On the 12th day of June, 1861, he came up for hearing before the Insolvent Court upon a petition, and obtained his discharge from custody. Mr. Irwin is now under process of passing through the Insolvent Court to liquidate the costs of the trial which he has put me to, amounting to many hundred pounds. The case is to be heard on the 30th of the present month, and I believe this petition has been brought forward for the purpose of influencing the conduct of the Judge on that occasion. I shall now read a curious passage from the Appendix to the second Report of the Select Committee on packet and telegraphic contracts. During the course of the trial to which I have referred, Mr. Serjeant Shee put the following questions to Mr. Irwin :—

> " Were you not in Kilmainham Gaol for nine months for forgery ?"—" Mr. Irwin : No."
>
> " Mr. Serjeant Shee : Were you not in Kilmainham Gaol for nine months, on the sentence of a Judge of a superior Court in Ireland, for forging the name of Mr. Johnston, the Assistant-Barrister in Mayo ?"—" Mr. Irwin ; Certainly not."

But Mr. Irwin, finding that Mr. Serjeant Shee had the necessary proofs in his possession, made, a few minutes after his explicit denial, the following extraordinary admissions :—

> " Mr. Serjeant Shee : Just listen to me ; I will not ask you any question which it is not my duty under the circumstances to ask you, and I will ask the question in as little an offensive manner as I can. Were you indicted for the forgery of that letter which I read ?"—" Mr. G. O'Malley Irwin : Certainly."
>
> " Mr. Serjeant Shee : Were you convicted ?"— " Mr. G. O'Malley Irwin : Certainly."
>
> " Mr. Serjeant Shee : Were you sentenced to nine months imprisonment in Kilmainham Gaol ?" —" Mr. G. O'Malley Irwin : Certainly."
>
> " Mr. Serjeant Shee : Did you remain the nine months in gaol ?" — " Mr. G. O'Malley Irwin : Certainly."

Now, Sir, I leave this case in the hands of the House. I only regret that the Committee could not be appointed—if it is not to be appointed—because it would have afforded me ample opportunity to give an answer to these most impudent, audacious, and untrue allegations. My own wish is that there should be an inquiry, because I want to show by undeniable proofs that there is no ground whatever for the charges which have been brought against myself; and that the Government of Lord Derby, in granting the subsidy, conferred a boon on the mercantile classes of both Europe and America.

MR. SPEAKER :—The hon. Member having made his statement will now be pleased to withdraw.

Mr. LEVER left the House.

SIR JOHN PAKINGTON : Mr. Speaker, I think it was quite natural, but altogether superfluous, for the hon. Member for Galway to go into the statements he has made with reference to this petition, because I cannot for a moment think that the House will seriously entertain this Motion. I was very glad, indeed, to hear what was stated by so high an authority as the right hon. Baronet opposite, the Chancellor of the Duchy of Lancaster. I entirely agree with what fell from the right hon. Baronet; and, undoubtedly, looking to the nature of these transactions, and the precedents bearing on the case which have been alluded to by the right hon. Baronet, I do hope and trust that the unanimouse feeling of the House will be that there is no occasion to refer this petition to a Select Committee.

MR. ALDERMAN SALOMONS: — Mr. Speaker, I beg to explain that I merely seconded the Motion of my hon. Friend the Member for Brighton, as no one else seemed disposed to do so, in order to enable the hon. Member for Galway to make the explanations which he has now done to the House.

MR. CONINGHAM:—In placing this notice on the paper, I certainly acted in deference to what I conceived to be the express desire of the House; but having presented the petition, having seen the documents which are referred to in it, and having heard the explanation or statement of the hon. Member for Galway, I must now say, while it is entirely in the discretion of the House to decide whether it is desirable that the petition be referred to a Select Committee for investigation; and while I am perfectly ready, as I was before, to be guided by the judgment of the House, that unless I hear a very distinct expression of opinion against the reference to a Committee it will be my duty to persevere in my Motion. I certainly do not desire to place myself in a hostile attitude, but I confess for my own part that this is a matter which can be best dealt with and brought out by investigation. Unless I hear a very distinct expression against my Motion, I am afraid I must press for the appointment of a Select Committee.

COLONEL DUNNE: Mr. Speaker, the petition which has been presented to the House by the hon. Member for Brighton, if I understand it rightly, brings charges of fraud against the hon. Member for Galway. I apprehend that it is perfectly clear that the allegations contained in that petition are totally untrue—and under those circumstances it would be worse than a mere waste of time to refer the petition to a Select Committee. It appears from the documentary evidence which has been referred to by the hon. Member for Galway, that Mr. Irwin the petitioner never had a single share in the Company—and I apprehend that his name if connected with any company would be sufficient to ruin the undertaking. The Galway Contract, which has so often formed the subject of discussion here and out of doors, was not given to Mr. Lever, but it was given to the Irish people. That contract was a real *bonâ fide* undertaking; and any allegation to the contrary might be carried by Mr. Irwin to a competent legal tribunal. I contend that this House ought not to interfere in such an investigation. The allegations contained in this petition are now brought forward by the same party that caused the shipwreck of the steamer in Galway Bay, and the death of the unfortunate pilot. It is patent to everybody—it is perfectly clear that the intention is to disparage the company, in the same manner as the object at first was to disparage the Government that granted the contract.

SIR GEORGE LEWIS: Mr. Speaker, I think it must be quite obvious to the House that we have to choose between two alternatives—namely, either to appoint a Select Committee to investigate this question, or not to discuss this question in the House. It is quite clear that we have no materials for discussion before us. A petition was presented. The hon. Member for Galway denied in the most distinct manner the truth of the allegations in that petition, so far as they bore upon him. He did what appeared to me a superfluous thing in going into details of these statements, because it is impossible for us to know the grounds upon which these statements rested. It is sufficient for this House that the hon. Member for Galway should give a general denial to the allegations of the petition. If this petition bore upon the conduct of the hon. Gentleman as a Member of this House—if its allegations imputed to him, for example, that he abused his powers as a Member of a Select Committee upstairs — if they impeached his character in any way in his legislative capacity, I think it would have been incumbent upon the House to take notice of the petition, and to appoint a Committee to investigate it. But, Sir, that is not the case. The act, imputed do not concern the hon. Gentleman in his character of Member of this House; and they, moreover, took place before he was elected. Therefore, it is doubly clear as it seems to me that there are reasons why we should not interfere. Therefore, I shall give my vote unhesitatingly against the Motion of my hon. Friend, if he should think it necessary to go to a division. I cannot, however, but hope that, seeing the general sense of the House is against taking any further notice of this subject, he will hardly think it necessary to press his Motion to a division.

Sir James Graham and Mr. Gregory rose together, the latter giving way to the former.

Sir JAMES GRAHAM: Mr. Speaker, it is my intention only to interpose for one minute between the hon. Member for Galway (Mr. Gregory) and his wish to address the House.

Now, Sir, having voted for the reception of this petition, and agreeing with what has just fallen from my right hon. Friend, the Secretary of State for the Home Department, I trust that the hon. Member for Brighton will not press this matter to a division. I have had long experience in this House, and my recollections and impressions entirely concur with those of the right hon. Baronet the Chancellor of the Duchy of Lancaster. I do not think that in modern times inquiries have been instituted into the allegations of a petition affecting a Member of this House, unless they touch his conduct as a Member of this House, or are founded on some conviction of conduct unworthy of his character and position. I have read this petition very carefully, and I do not see any allegation in it affecting the hon. Member for Galway, except antecedently to his taking his seat in this House ; and these allegations are capable of being substantiated before a legal tribunal of competent jurisdiction and thoroughly capable of dealing with them. If prosecution before such a tribunal should be instituted and conviction ensues, of course it would be open to call upon this House to proceed against one of its Members who had been convicted of being engaged in fraudulent transactions, but in the absence of such conviction, and in the absence of allegations affecting the conduct of a Member of the House as such—although I am as jealous of the honor of the Members of this House as any one can be—I would certainly advise my hon. Friend the Member for Brighton not to persevere in his Motion, which on the whole, I think, would not be in accordance with the ends of justice or conduce to the honour of this House.

Sir George Lewis

Mr. SPEAKER put the Motion which was *negatived* without a division.

BANKRUPTCY AND INSOLVENCY BILL.

LORDS' AMENDMENTS.

Order for resuming further consideration of the Lords' Amendments read.

Clause 2 (Appointment of Chief Judge),

The ATTORNEY GENERAL said, he presumed, after the decision arrived at the other night for restoring the clauses relating to the appointment of the Chief Judge, that the House would not think it necessary to discuss at any length the other subsidiary Amendments consequent upon that change. He would, therefore, merely move that the Lords' Amendments to Clause 2 should be disagreed to.

Sir HUGH CAIRNS said, that as the House had already decided to disagree with the Amendments relating to the Chief Judge, it would not be necessary to raise any discussion upon the other clauses which related to that point.

The Lords' Amendments *disagreed to.*

Clause 21 (Official Assignees),

The ATTORNEY GENERAL said, he was not aware of the reasons which had induced the Lords to make an increase in the number of the official assignees from five to eight. Each official assignee was to receive £1,000 a year, in addition to an allowance of some £700 for clerks, offices, and other expenses. As the provisional assignee of the Court for the Relief of Insolvents would, by the 26th Clause, be constituted an official assignee of the Court of Bankruptcy, if the present Amendment of the Lords were agreed to, and eight were substituted for five, the number of official assignees in London would, in fact, be increased to nine. That would, he thought, be entailing useless expense on the country, the principle on which the Bill had originally proceeded being that there should be one official assignee to each Commissioner. He, therefore, begged to move that the Lords' Amendment be disagreed to.

Mr. MONTAGUE SMITH said, the Bill originally established creditors' assignees, and the Lords thought it was better that a bankrupt's estate should remain in the official assignee, and they accordingly made the Amendment in question. He would suggest that it would be better to defer the discussion of the Amendment until the subject of creditors' assignees came before the House.

SIR HUGH CAIRNS said, the Government had given notice of two cardinal points on which they proposed to disagree with the Lords' Amendments. The one referred to the Chief Judge, which had already been settled, and the other, which had still to be determined, referred to the official assignees. The House of Lords had regarded the Bill, in the shape in which it went up to them, as defective, because it took away from the official assignees a considerable amount of the business which they had hitherto transacted. The present Amendment had been introduced by the Lords in consequence of the general view they took with respect to the official assignees. It would, therefore, be more convenient now to discuss and dispose of the whole question relating to official assignees, as that question was raised by the present Motion. He thought the House of Lords had hit a blot in the Bill that was not sufficiently considered when the measure was passing through that House; and he was quite willing to take any share of responsibility which might attach to him on that account, for he freely confessed that when the Bill went up to the other House, he had not considered the inconvenience of the course which was suggested by the measure in regard to the duties of the creditors' assignees. Hitherto all bankrupt estates had been vested in the official assignees and the creditors together, who acted through one and the same solicitor in realizing the whole of the estate and dividing it among all the creditors. No doubt there had been a great deal of complaint in the commercial world on the subject of the official assignees. But the House must endeavour to see what was the origin of that complaint. It did not originate because the official assignees did not do the business properly, or collect the debts and divide the assets with rapidity among the creditors, but rather because the official assignees were entitled to take a very large percentage from the sums recovered, and thereby the amount divisable among the creditors was very much diminished. Those objections were got rid of by the Bill, because it placed the official assignees upon salaries instead of percentage, the five official assignees in London receiving £1,200 a year, reducible to £1,000, and those in the country £1,000 a year, reducible to £800. The Bill also provided that a bankrupt's estate should at first be vested in the official assignee, but that when the creditors' assignee was appointed all control of the estate should be taken from the official assignee, except that he was to collect the debts due to the bankrupt under £10, while the debts of a larger amount would be collected by the creditors' assignee. In the House of Lords exception had been taken to that arrangement, and it was urged that the consequence would be that the official assignee and the creditors' assignee would have to employ separate solicitors, of course entailing upon the estate two bills of costs. Another difficulty would arise from the proposed arrangement. The official assignee would require the bankrupt's books to enable him to collect the debts under £10, while the creditors' assignee would want them for the purpose of collecting the larger debts. That state of things would lead to inconvenience and antagonism, as well as to confusion and expense. There was an idea which was prevalent in the commercial world that if the Lords' Amendments were agreed to there would be no mode by which the creditors could get rid of the official assignee if they desired to place the management of an estate in the hands of trustees selected by themselves. That, however, was a mistake, because under the arrangemement clauses any body of creditors desiring to wind-up an estate without the assistance of an official assignee could do so. But he would ask whether it was judicious to have five official assignees at £1,200 a year, and seven or eight at £1,000 a year, solely to collect debts under £10? It might be said, on the other side, that official assignees might be chosen as trustees by the creditors; but if that were so, he thought those officers should stipulate for their remuneration with those who employed them. The suggestion that they might be sometimes chosen as trustees by creditors rather militated against the assertion that official assignees were extremely distasteful to the mercantile community. He submitted, therefore, that there was much force in the opinions expressed by the House of Lords; but, looking at the period of the Session, and considering that the point was not absolutely essential to the success of the measure, he should not invite the House to divide in opposition to the hon. and learned Attorney General's Motion.

MR. MALINS said, that from the first he had doubted the prudence of getting rid of the official assignee, as he was of opinion that it would be a great advantage to have an official person to collect the debts and manage the estate of a bankrupt. He believed, however, that the official assignee would be bound to employ the solicitor of the creditors' assignee, and, therefore, the inconvenience to which his learned Friend referred would not arise. As the Amendment of the Lords referred to a matter of detail which had been fully considered by the Lord Chancellor, he thought that upon the whole the wisest thing would be to restore the Bill to the state in which it left the House of Commons.

MR. HADFIELD said, it would be very easy at a subsequent period to increase the number of official assignees if it should be necessary, but he believed that under the Bill there would be less for them to do than at present.

MR. VANCE said, he regretted that his hon. and learned Friend did not intend to take the sense of the House upon the question. At present the largest creditor was usually chosen assignee, but that could not be the case under the Bill, and the management would probably be left to persons who had not much interest in the good management of the estate. The Chamber of Commerce of Leeds had observed that the clause vesting the estate in the creditors' assignee deserved serious consideration.

MR. W. E. FORSTER said, that the manufacturing districts of Yorkshire were opposed to the Amendments of the Lords, and desired to restore the measure to the shape it was in when it originally passed. They trusted, however, that the House would not restore the clauses in such a shape as to too strongly fetter the creditors' assignee.

MR. MURRAY said, he wished to state the reasons why he disagreed with the Lords' Amendment in reference to the official assignees. He remembered when there were eighteen in London, three being attached to each Commissioner, of whom there were six. By deaths and resignations the number of the official assignees became reduced to ten, and subsequently to eight; and he thought that it would be sufficient if one official assignee was attached to each Commissioner. In fact, during the whole of last year and the greater part of this, in consequence of the decease of two of the official assignees, the whole business before two of the Commissioners in Basinghall Street had been transacted by one official assignee attached to each Court. He had concurred in thinking that it would be imprudent to give the official assignee a fixed salary of £1,200 per annum, but that in accordance with the Bill proposed in last Session, and the evidence given before the Royal Commissioners, it would be sufficient if the official assignee had £800 a year secured to him, and that whatever he had in addition should be due to his personal exertions; the House, had, however, determined that he should have a fixed salary of £1,200 a year. As a matter of practice, in all estates which were under inspectorship there was no difficulty in obtaining the assistance of gentlemen and merchants to act as inspectors or trustees, but they would not act as creditors' assignees with the official assignees. He thought the time was come when the creditors should take the management of the estates of bankrupts into their own hands and wind them up themselves, the expenses incurred under the present system were far greater than any bankrupts' estate ought to bear. There was no proper audit of the accounts by the Commissioners. He could state to the House that in one case an official assignee was allowed and paid £4,802 for his services rendered between Sept. 15 in one year and July 19 in the next. His accounts were audited and allowed by the Commissioner; some months afterwards the accounts were looked into, and then it was found that the ingenuity of the official assignee had been most extraordinary. In the course of his duty he had to receive from the Admiralty a debt of £8,668 due to the bankrupt. The Admiralty paid him at once in three bills of £3,668, £3,000 and £2,000. Regarding the transaction as a single debt, the official assignee would have been entitled to have received according to the scale prescribed for his remuneration £58 6*s.* 10*d.*; treating it as three debts, he would have been entitled to £73 6*s.* 10*d.* The transaction had reference to an order given by the Admiralty to the bankrupt for five mortar boats, four dispatch boats, and four gun boats, in all thirteen; so the official assignee ingeniously apportioned the sum of £8,668 among these thirteen vessels, making thirteen debts instead of one, and by this mode he increased his remuneration to £215 3*s.* 8*d.* On the matter being subsequently explained to the Commissioner, and the accounts examined, it appeared other overcharges had been allowed, and the result was the official assignee had to refund to the estate £2,546, he being allowed for his services £2,256 instead of £4,802, the amount previously paid. He could state another case, in which an official assignee charged for services during four months a sum of £2,681 1*s.* 8*d.* On investigation it was found he had overcharged the estate £1,699, and he was only paid a sum of £981. He thought these were strong reasons why the creditors should have an opportunity of looking into those matters themselves. It had been said that the examination of accounts in 1831 showed that the creditors' assignees were everything but honest men, but he thought much about the same state of things prevailed now as in 1831. He believed it had been said that when the official assignees took office in 1831, they secured about £2,000,000, which the creditors' assignees allowed to remain in private banks instead of distributing it to creditors. He thought if a change took place now about the same result would be found—the only difference being that instead of the money lying at private bankers it would be found in the Bank of England. There was, he believed, now nearly £2,000,000 in the Bank of England which should have been distributed. He did not see how, if the official assignees had done their duty to the creditors, there could have been so large a sum as that, and he did not think creditors' assignees could have done worse. Under the management of official assignees creditors were apt to fancy that everything was being done that ought to be done, whereas estates were very much neglected, and the interests of creditors left to suffer. On these grounds he was opposed to the Lords' Amendment. He entirely approved the appointment of a Chief Judge, and had voted for restoring the clause struck out by the other House. The Chief Judge, if he were appointed, would exercise a supervision over the conduct of the officers of his court like that exercised by the Vice-Chancellors over the chief clerks of their office. At present there was no control or supervision. He hoped the House would place the Bill in such a form that it might be rendered satisfactory to the mercantile community, for without that the Bill would be of little avail.

MR. GLYN said, the feeling of the mercantile community in the City of London was strongly against allowing the management of the assets in bankruptcy to pass into the hands of official assignes. They would no longer tolerate such a system. Although there had been the greatest legal difficulty in carrying out arrangements by means of trustees, creditors had exposed themselves to those difficulties rather than allow assets to fall into the hands of the Bankruptcy Court. He thought the objections which might be raised to the power given to the creditors' assignees entirely obviated by the clauses which gave to the official assignees a new character. They were now to assume that of auditors, whose duty would be to look after the proper distribution of the assets, and to watch the operations of the creditors' assignees. In that capacity they might be of considerable utility; he, therefore, assented to the proposition of their being put upon a fixed salary. But if they were to be the collectors of all the debts and dispensers of all the assets, nothing could be more preposterous than to put them on a fixed salary, as their only stimulus to collect debts with efficiency would be the percentage they received. Statements had been made in that, soon after the official assignees were appointed, under the Act of 1831, the sum of £2,000,000 was recovered from private bankers. When the word "recovery" was used, it might be supposed that but for the official assignees that money would never have been distributed. But the fact was that the greater part of that money was at the time in process of being distributed, and that, so far from assisting that process, the Act of 1831 caused a postponement in the distribution of some of those assets. The amount of assets not distributed and now held by the Court of Bankruptcy, was by the Return before the House, nearly as large—indeed, it was perhaps unavoidable under any system. He did not deny that certain creditors' assignees had misconducted themselves formerly, but by the clauses of this Bill securities would be taken for the proper discharge of their duties and for an efficient check upon them.

MR. AYRTON said, that there was nothing upon which bankruptcy reformers were so fully agreed as the necessity of restoring to the creditors the right of managing the estates in which they were interested, leaving to the official assignee the duty of auditing the accounts of the creditors' assignee.

THE ATTORNEY GENERAL said, that the question immediately before the House had reference to the 21st Clause; but if it was wished to discuss the question as to creditors' assignees, he desired to make one or two observations. The official assignees, as was well known, were brought into existence by the Act of 1831, the intention being that they should co-operate with the creditors' assignees, but it turned out that, virtually, the latter was almost entirely supplanted by the former. The evils connected with the carriage of insolvent estates by creditors' assignees were no doubt considerable, but in endeavouring to avoid those evils they fell into others. The creditors' assignees were not subject to a proper audit, and, no doubt, they neglected their duty; but the appointment of official assignees, while it had superseded the old system, had not removed the evil. It had been found that although the official assignee collected the whole of the debts and had the management of the funds of a bankrupt's estate, yet that, in point of fact, there was no proper audit. The accounts of the official assignee were audited in point of form by the Commissioner, but the Commissioner had not such a knowledge of matters of business as would enable him to discharge that duty satisfactorily. What had been the consequence? The hon. Member for Newcastle-under-Lyme (Mr. Murray) had informed the House of some cases which had occurred and been discovered. It might very well be supposed that similar conduct had been pursued in numerous other instances which had escaped detection. But from a return in 1858, as to official assignees, it was shown that four in London and one out of London had been defaulters, and the House would probably be surprised to hear that the amount of their defalcations was a sum of not less than £110,000. The creditors' assignee it was to be observed would bring to the fulfilment of his duty a commercial knowledge and personal interest in the matter, which would greatly tend to ensure the efficient administration of an estate. The official assignee would be retained with certain duties, one of which was that of a constant and vigilant supervision and audit of the accounts of the creditors' assignee; and he thought it might be fairly anticipated that, the creditors' assignee being appointed by the creditors themselves, and acting under the supervision of the official assignee, the abuses formerly complained of would cease to exist. That a very general desire was felt, on the part of the mercantile community, that this portion of the Bill should be passed would be evident from the fact that petitions had been presented from Belfast, Birmingham, Bradford, Coventry, Gloucester, Hull, Sheffield, Southampton, Wolverhampton, Sunderland, and other places, all of which were unanimous in favour of the appointment of creditors' assignees.

Mr. BOVILL said, that official assignees had been appointed because it was found that creditors' assignees did not perform their duties. This matter was fully considered on the second reading, and as various mercantile bodies had expressed a strong feeling for the clauses which passed that House he should not oppose their restoration to the Bill. The memorials which had been referred to, however, represented no doubt the opinions of those who would be interested in the management of large bankrupt estates; but, as the Bill would now bring under the operation of the bankruptcy law estates ranging from £5 to £30, it would be a strange mixture of things if there were to be two different sets of assignees to collect the debts. It must necessarily much increase the expense. He would suggest, instead of saying that all debts under £10 should be collected by official assignees, and all above by creditors' assignees; that the creditors in every case should determine the amount up to which the official assignees should collect debts. Such an alteration would obviate many of the objections with regard to the employment of creditors' assignees.

Mr. HENLEY observed that, as it was the wish of the House that the general question should be decided on that clause, he was disposed to agree with the Government and to disagree with the Amendment of the Lords. He thought it was impossible for anyone who paid attention to what passed not to know that the commercial body wished to get rid of the official assignee to a great extent, to have a greater facility for making their arrangements, and if they thought that they could manage their affairs better than the lawyers he did not see why they should not be allowed to do so.

Lords' Amendment *disagreed to.*

On the Clause substituted by the Lords for the 97th Clause,

Sir FITZROY KELLY said, he wished to call the attention of the House for a few moments to the effect of that clause, which, though with some reluctance, he felt constrained to move that the House should disagree with, and which, entirely ignorant as he was of the reasons which had induced their Lordships to insert the clause, he professed his utter inability to comprehend. The Bill as it stood enabled every debtor, whether trader or non-trader, to petition the Court for an adjudication of bankruptcy against himself; but the Amendment introduced by the Lords went to this effect—that no debtor who was not able to show assets to the amount of £150 should be allowed to petition for an adjudication in bankruptcy. It was impossible to imagine any reason for the distinction. As the law at present stood any debtor who was unable to pay his debts, whatever the amount of his assets might be, was entitled to apply to the Court for Relief of Insolvent Debtors, and by giving up his property he was able to obtain relief. But if the Bill were to pass, a debtor—whether a trader or non-trader, who was unable to pay his debts—it might be from the most unforeseen misfortunes, from a fire, or from the failure of other parties, if he could not show assets to the amount of £150, would not be allowed to petition for an adjudication of bankruptcy; but if he were sued by a creditor would be thrown into prison, and might remain there a prisoner for life. It was true that by the 112th section of the Bill a power was given to the registrar to visit the prisons, to examine the prisoners that he might find confined for debt, and, if he thought fit, to release them; but the House would observe that the exercise of that power was entirely optional on his part, and that the provisions were at variance with the general tenor of the Bill. He hoped, therefore, that the House and the Government would concur with him in the opinion that that was not a provision that ought to remain in the Bill, and he moved that the House disagree with the Amendment.

MR. MALINS said, he would second the Motion. If the Bill were allowed to pass with the clause as it stood it would entirely deprive small debtors of the benefit of the Act.

THE ATTORNEY GENERAL said, he entirely agreed with the objections of his hon. and learned Friend. Indeed the objections to the clause as it stood were so obvious that he could only attribute its insertion to some oversight, or, at any rate, to the want of due consideration. Its effect would be that, even on the most favourable consideration, a debtor who was unable to show assets to the amount of £150 would have to be in prison at least five or six weeks before he could obtain his discharge. He did not believe that could be the intention of their Lordships, and he would very cordially support the Amendment.

MR. BOVILL said, he believed the insertion of the provision had arisen in this way. By the law of bankruptcy, as that law once stood, no man was entitled to be declared a bankrupt whose estate would not yield *5s.* in the pound. That was felt to be a hardship, and an alteration was made requiring the debtor to show assets to the amount of £150. It was probably the recollection of this provision that induced their Lordships to insert the present clause, which he cordially concurred with his hon. and learned Friend in thinking that the House should disagree with.

MR. HADFIELD said, he was afraid that if the clause were removed the machinery of the Bill would often be set in motion, and great expense incurred, which there would be no assets to defray. He was not favourable to imprisonment for debt, but he did not think the mode proposed by hon. and learned Gentlemen would remove the difficulty.

THE SOLICITOR GENERAL said, he would admit there was some weight in the argument of the hon. and learned Member for Sheffield; but if any inconveniences arose from the course proposed they must trust to experience to amend them.

Lords' Amendments *disagreed to.*

Clause 10 (Debts contracted before the Act not to support an adjudication in case of a non-trader),

THE SOLICITOR GENERAL stated that paragraph C had been inserted by the Lords with respect to debts contracted or liabilities incurred after the passing of the Act, on which considerable difference of opinion prevailed; but with a view to the passing of the Bill he was not disposed to ask the House to disturb the principle of that Amendment. The Lords, however, appeared to have overlooked the fact that, by the law as it now stood, if a debtor not a trader lay in prison, any execution creditor was at liberty to apply by petition to the Insolvent Debtors' Court and obtain a vesting order, the effect of which was to vest all the present and future estate of the debtor up to the time of his discharge, real and personal, in the assignee of the Insolvent Debtors' Court, to be administered for the benefit of creditors. He proposed after the word "trader" to insert these words: "And not being at the time a prisoner against whom the creditors would be entitled to obtain a vesting order in insolvency if this Act had not passed." With a view to carry into effect the object of the Lords in this clause, he would also add a proviso to the 164th Clause, to the effect that no person shall be liable, by virtue of this Act, to any criminal charge or penalty in respect of any matter which may have occurred before the passing of the Act to which he would not have been liable if this Act had not passed. He had had the advantage of communicating these Amendments to his hon. and learned Friend, the Member for Belfast, and he was authorized to say that he had no objection to them.

Mr. HENLEY said, he had taken great interest in that part of the Bill, and he must say that he thought the proposal of the hon. and learned Gentleman quite a fair one. He had not heard of the proposition before, but he thought it a just and equal one, as it left all parties—if he might call them so—exactly as they were before the Bill passed, and that was all he contended for. He hoped his hon. and learned Friend (Mr. Malins) was not about to renew the discussion they had before on this subject. They were all perfectly satisfied with the conclusion to which the Government had come, when the hon. and learned Member took advantage of the House being at dinner, moved his clause, and carried it in a thin House.

Amendment *agreed to.*

Mr. MALINS said, the opinion of the right hon. Member for Oxfordshire had always great weight with him, and he never differed from him without distrusting his own judgment. But he had given great deliberation to the matter, and he felt he should not discharge his duty if he did not move that the clause be disagreed with. As what had taken place in that House on the 101st Clause of the Bill had been misrepresented by a noble and learned Lord in "another place," he wished to state what had actually occurred. That clause provided that no nontrader should be made bankrupt in respect to debts incurred previous to the passing of the Bill. In Committee he opposed that clause, but the attendance in the House was then thin, and he did not divide against it. He, however, gave notice that on the Report he would move that the clause be expunged. The question was then fairly discussed in an average House, which was not in a state of syncope, as had been represented; and instead of the hour being the dinner hour, it was at 9 o'clock. On the question being put by the Speaker there was not a single voice for the clause. So far from it being the fact that the then Attorney General "threw away his scabbard," that eminent authority said that the clause would have the effect of preventing the present generation from enjoying the benefit of the proposed change in the law, and with his full consent it was struck out. The hon. and learned Member for Belfast afterwards attempted to undo what had thus been done by proposing, in the interpretation clause, that a nontrader's debt should mean a debt contracted after the passing of that Bill. On a division taken at eleven o'clock, the hon. and learned Member for Belfast's proposal was rejected, the numbers for it being 125, and those against it 150. When the Bill was before the Select Committee of the House of Lords an unsuccessful effort was made to restore the 101st Clause; although, subsequently, in a Committee of the whole House, upon an erroneous representation of what had taken place on the subject in the Lower House, the clause was reinserted. That clause would enable a rich debtor to set his creditors at defiance and to keep his property while his debts remained unpaid. It was said that it would be unjust to allow the new remedy which that Bill would afford to creditors to be available against nontraders for past debts; but a distinction of that kind had not been admitted in the analogous cases of Lord Eldon's and Lord Hardwicke's Act for bringing new classes of persons under the bankrupt law, nor in the case of the Act 3 & 4 *Will.* IV. c. 104, making real estate assets for the payment of simple contract debts. The principle was plain, that no man had a vested right in dishonesty, and, therefore, he said that a nontrader, with ample property to meet his debts, ought to be made to pay them, and the law should hold out no inducement to him to remain abroad in order to evade payment. He was inclined to move the rejection of the clause, if he thought he could obtain the general support of the House. The question was placed in rather a singular position. The noble Lord at the head of the Government had stated that he proposed to disagree from two of the chief alterations made by the Lords in the Bill, but with respect to that particular clause he had no proposal to make. He (Mr. Malins), however, did not understand that the Government had at all changed their views upon this point, and the present Lord Chancellor certainly held a strong opinion upon it. He should take the opinion of the House, and, therefore, moved that the Lords' Amendment be expunged.

MR. HENLEY said, he thought his hon. and learned Friend had omitted one important circumstance from his consideration. In former Sessions of Parliament there was great difference of opinion about introducing any non-trading clause at all. When the present Lord Chancellor introduced the Bill he distinctly stated on the part of the Government that they had come to the conclusion that it was right to have what was called the "retrospective clause" in the Bill. When the Bill was brought in it did contain this 101st clause. It was a highly technical matter, and could any one believe that when that statement had been formally made on the part of the Government, and the clause actually inserted in the Bill, that the Attorney General, upon the suggestion and after the speech of the hon. and learned Member for Wallingford alone, would have thrown the whole matter up. Every one knew that nine o'clock was about dinner time, and the House was generally thin at that time. His hon. and learned Friend referred to what had been attempted to be done upon the interpretation clause by the hon. and learned Member for Belfast, but it could not be expected that the House would, on the same evening, undo what it had just done with all the strength of the Government on one side. The instances referred to by the hon. and learned Gentleman hardly applied in the case, because until lately the law of bankruptcy had been regarded as one in favour of the trading classes, in mitigation of the common law of debtor and creditor, and, therefore, it was not the same thing to bring new classes within the operation of a new and stringent law. He hoped the Government would support the clause as recommended by themselves, and that they would not, by agreeing to the proposition of the hon. and learned Member for Wallingford, endanger the passing of the Bill.

MR. VANCE said, that a considerable alteration had been made in the mode of service of non-traders who might be abroad, constituting a very considerable relaxation in their favour. It was in consequence of the alteration that had been made in the mode of service, making it personal instead of substituted, and also in consequence of the advantages they obtained during the progress of the Bill, that the hon. and learned Attorney General agreed to the proposition by the hon. and learned Gentleman (Mr. Malins). He thought the adoption of the proposition would tend to the purification of that House. The Session before last, the House refused to place its own Members on a level with the rest of the community in regard to the law of arrest; but, if that were done, they would get rid of some Members to whom objection was very properly taken, because they did not pay their debts. It would force persons in high positions, who defied their creditors, to liquidate the claims upon them.

MR. HADFIELD said, he hoped the hon. and learned Gentleman would take the sense of the House on his proposal. It was outrageous to make a distinction between traders and non-traders in regard to the moral obligations to pay their debts.

THE ATTORNEY GENERAL said, he would remind the House that when his noble Friend at the head of the Government stated the course which the Government intended to take with regard to the Lords' Amendments, he observed that, with respect to the particular Amendment now under discussion, they had no proposal to make. In consequence of that statement, and the hon. and learned Member (Mr. Malins) having given no notice of his intention to bring the subject forward, he believed many hon. Members were now absent under the impression that the decision arrived at by the House of Lords was not to be disturbed. In these circumstances, and looking at the thinness of the House, he could not with propriety accede to the proposition of his hon. and learned Friend. He would say nothing as to the soundness or justness of his views; but would simply state his belief that if this Amendment were disagreed with the Bill would be lost, and legislation on that important subject would be put off for an indefinite period.

MR. MONTAGUE SMITH said, his hon. and learned Friend (Mr. Malins) assumed that every person who incurred debts and went abroad, went there to spend, whereas a great many persons so encumbered were nursing their estates for the benefit of their creditors by living abroad. Many owners of large estates who had fallen into the hands of designing speculators, and who had gone abroad, would be liable if the clause were made retrospective to be made bankrupts—a liability which, when they formed these arrangements, they could never have contemplated. The measure was in its nature penal, and to make it retrospective was a violation of the first principles of the law of England. He should vote with the Attorney General.

Mr. Alderman SIDNEY said, that the House had twice disaffirmed the clause, and he regretted that the hon. and learned Attorney General now asked the House to stultify its former votes.

Mr. WALPOLE said, he would recommend the House not to admit that hon. Members who voted against making the law retrospective wished the debts of non-traders not to be paid. He looked upon the Bill as a great benefit to the non-traders. The Bankruptcy Law was passed for the benefit of the trader, and the non-trader remained liable to be detained in prison until his debts were paid. While the bankrupt obtained a clear discharge, and might begin the world again unencumbered, the future property of the insolvent was liable for the payment of his debts. He objected to making the clause restrospective—among other reasons, because Parliament would be taken by surprise if the change were forced upon it. Moreover, the second reading of the Bill had been greatly facilitated by the pledge which had been given by the Government that that portion of the measure should not be retrospective, and he did not think that they ought to violate that pledge.

Mr. MALINS said, that under all the circumstances of the case, and as he had not given notice of his proposal, he would not press it to a division.

Motion *withdrawn.*

Lords' Amendment *agreed to.*

Clause 119 (Meeting of Creditors),

Mr. PAGET moved the insertion of the words in "number and value," instead of value alone.

Mr. VANCE moved the addition of the words "representing three-fourths in value."

Amendments *agreed to.*

Clause 134 (The Official Assignee to collect debts under £10),

Mr. BOVILL said, he would propose to introduce words into the clause, giving permission to the official assignees to collect other larger sums with the assent of the creditors.

The ATTORNEY GENERAL said, he hoped the Amendment would not be pressed. If it were it would provoke further dissent from the Bill.

Mr. VANCE said, he thought that the Amendment would be a great improvement. It left the dealing with the collection of debts more in the hands of the creditors.

Mr. MURRAY said, he hoped that the House would not agree to the Amendment. It would only lead to jobbing. Every creditor would be canvassed by the official assignee to obtain permission to collect the debts of an estate.

Amendment *negatived.*

Lords' Amendment *disagreed to.*

Clause 164 (Criminal Prosecutions by order of the Court),

The SOLICITOR GENERAL said, he proposed the addition of the words "That no person shall be subject to prosecution under this Act for any offence for which they were not previously liable to prosecution."

Clause, as amended, *agreed to.*

Clause 200 (Trust Deeds),

Mr. MOFFATT said, he would move that—

"The House disagree with the Lords' Amendment in Clause 200, making the assent of three-fourths in number of the creditors necessary to the validity of any deed executed by a debtor, and that the clause be restored to its original shape by the insertion of the words 'a majority in number of the creditors representing three-fourths of the value.'"

Motion *agreed to.*

Schedule,

The ATTORNEY GENERAL said, he should move that the House disagree with the Lords' Amendments in the third column, under Schedule G, which recited the Acts repealed by the Bill. The extent and nature of the repeal would depend on the shape the Bill would ultimately take, and, therefore, he hoped the House would leave to the Solicitor General and himself the task of seeing that the proper figures in reference to the schedules were duly inserted, and of making any other corrections.

Mr. BOVILL said, he would suggest to the hon. and learned Gentleman, that a consolidation of the Bankruptcy Law should be undertaken as soon as possible, for the benefit of the County Court Judges who were to administer it, as many of them had no previous acquaintance with it.

Motion *agreed to.*

Committee *appointed,*

"To draw up Reasons to be assigned to the Lords for disagreeing to the Amendments to which this House hath disagreed:—Mr. Attorney General, Mr. Solicitor General, Sir George Lewis, Sir George Grey, Mr. Murray, and Mr. Malins:—To withdraw immediately; three to be the quorum."

SUPPLY—CIVIL SERVICE ESTIMATES—BRITISH MUSEUM.

Order for Committee (Supply) read.

House in Committee.

MR. MASSEY in the Chair.

(In the Committee.)

£75,414, British Museum.

MR. WALPOLE: This Vote is the difference between the sum granted on account and the sum constituting the whole amount of the Estimate asked for on the part of the trustees of the British Museum this year. The gross Estimate for this year — £100,414 — will be found about £400 less than the total sum voted last year. There are several small increases and decreases upon the different heads included in this Estimate which I do not believe it necessary for me more particularly to notice; but there are two large items, the one of increase and the other of decrease, upon which I think I ought to make a few observations. The increase amounts to £3,300, under the head of salaries; the decrease to £2,700, on the Vote for special purchases. The increase of £3,300 arises in consequence of alterations made in the Museum, partly, I may say, by recommendation of this House, and partly in consequence of the retirement of the keeper of antiquities which, has led to the department being placed under three keepers instead of under one. The House may recollect that a strong pressure was put from different quarters upon the trustees of the Museum, about two years ago, to induce them to take into consideration the propriety of giving longer vacations to the clerks in the institution, and also the propriety of giving them some increase of salary. The vacations were extended in the course of last year, and an increase in the salaries of the assistants will be made this year. In both of those respects—namely, vacations and salary, the asssistants of the Museum are now put more nearly on a footing with certain other departments of the State than they were before; and if the House wishes the same able gentlemen to fill the offices in this establishment who have hitherto filled them it cannot expect them to remain in the service of the trustees unless they receive salaries somewhat proportionate, not only to the labours they have to undergo, but proportionate also to the knowledge and the acquirements they are required to possess. Now, the great improvement effected is that the assistants are divided into two classes, an arrangement which affords quicker facilities for promotion than have heretofore existed. The only other observation I have to make on this increase is, that the Department of Antiquities is now placed under three different gentlemen of great ability and high attainments. I may mention that Mr. Birch, whose reputation for a knowledge of Egyptian antiquities is not only European, but is unrivalled in Europe, will for the future be entirely employed in the charge of those antiquities. The keeper of the classical antiquities is a gentleman known probably to every hon. Member of this House for his energy and enterprise in excavating at Budruom the ruins of what was once one of the seven wonders of the world—the ancient Halicarnassus. Unfortunately, the specimens which he obtained remain under a glass shed, which is a discredit to the nation; but I hope that before I sit down I shall say enough to induce the Government to promise that some better accommodation shall be provided for these works of art. The other large item which I mentioned is a decrease of £2,700 for special purchases. Last year I had to ask for no less than £3,700 on that account. One of the purposes for which that sum was asked was the purchase of part of the collection of the late Lord Northwick, another was the purchase of one of the most valuable sets of manuscript which we have obtained of late years, belonging to the Duke of Laudersdale, and illustrating the history of the reign of Charles II., and the third, and most important, was the obtaining, at a cost of £2,000, of a most beautiful collection of minerals, which will, I believe, make the collection of mineralogy in the Museum always unequalled. This year we only ask for £1,000 for the purchase of some Oriental manuscripts, the property of Colonel Taylor, which I am told are valuable not merely on account of the quarter from which they come, but because they contain materials for history with which we were previously unacquainted. [Mr. LAYARD: Hear, hear!] As the hon. Member cheers that statement, I presume that I am rightly informed. In accordance with the practice which has usually been adopted by those who have moved these Estimates, of informing the House of any events which have occurred in the previous twelvemonths, I ought to mention that we have during the past year lost two trustees—the Earl of Aberdeen and the Duke of Sutherland—but eminent as those Trustees were, their places have been filled by the election of a nobleman and a gentleman who will worthily occupy them—I allude to the Duke of Northumberland and Sir Thomas Phillips. The only other observations which I will make have reference to the Reports of two Committees which were appointed last year to inquire —the one into the South Kensington Museum, and the other into the British Museum. The Report of the first-named Committee recommended that certain institutions in the Metropolis, including the British Museum, should be opened in the evening for the benefit of persons who are employed all day. The Trustees were most anxious that that should be done if possible, and seriously considered the practicability of carrying out the recommendation. I hope that the members of the Committee have read the valuable report prepared by that unfortunate gentleman, the late Mr. Braidwood, of the Fire Brigade—a man whose loss the country must seriously and sincerely deplore. The Trustees referred to Mr. Braidwood and the architect to consider whether it was possible to open the Museum in the evening consistently with the safety of the collections. Mr. Braidwood in his report, which contains most valuable information, pointed out that if the Museum was to be lighted with gas, with which alone it could be lighted so as properly to display its contents, these inconveniences would follow:—That it was a property of gas to dry everything within a room in which it was burning, especially the roof, the ceiling, and any timber which there might be in it, and that if a fire took place in a building so desiccated nothing could stop the progress of the flames; that the gas would materially injure the animal and vegetable collections; that it would greatly discolour the stones and marbles, and that that discolouration when once it had taken place could not easily be got rid of; and that if an explosion ever took place, against which absolute security could not be provided, it would be attended with most destructive consequences, to the risk of which such valuable collections as those contained in the British Museum ought not to be exposed. Upon this report the Trustees came to the conclusion that, however anxious they might be to give the benefit of these collections to the humbler classes, it was impossible to open the Museum at night. So much for the Report of the Committee on the South Kensington Museum. Another Committee was appointed to inquire into the British Museum itself. I think that the objects of my hon. Friend the Member for Galway (Mr. Gregory) in moving the appointment of that Committee were twofold—First, to ascertain whether it was necessary that the collections should be separated; and secondly, to discover whether accommodation could not be provided for the collections which are now in the Museum without such separation. After the Report of that Committee was made, it was the duty of the Trustees to consider what could be done to provide additional accommodation for the collections which are still undivided. They referred to the Government—as the sum to be voted for such a purpose must depend upon the Executive Government—to ascertain what is their opinion as to the propriety of separating the collections or keeping them together. The Government have not been able, and, considering the pressure which has been put upon them this year, I am not surprised that they have not been able, to give a specific answer to that question, but having regard to the collections which are now in the Museum, and to the valuable collection which has within the last three days arrived from the ancient Cyrene, I am sure that it will be impossible that such important and interesting works of art should be left under the glass shed and should not be exhibited, as the public have a right to demand that they should be. It is not for me to express my opinion upon this subject. It will be for the Government to say what they recommend should be done, in order that the Trustees may consider the question of providing additional space, with reference not merely to what they have to accommodate now, but also to what they may have to accommodate in the future. If any of the collections should be separated from the rest, of course, less accommodation will be required; if they should all be kept together the accommodation which will be required will be of very considerable extent. Of one thing, however, I am sure, and that is, that for collections so valuable as those in the British Museum the country will not grudge any reasonable sum that may be required. The right hon. Gentleman concluded by formally moving the Vote.

Mr. GREGORY said, he had hoped that at the commencement of the Session some announcement would have been made by the Government upon the subject of enlarging and rearranging the British Museum. The state of congestion in which that establishment found itself was apparent to every one. He was aware of the pressure upon the financial resources of the Government, and he had such an objection to shreds and patchwork, that he would prefer allowing matters to remain as at present rather than to adopt any temporary expedient that would not be creditable hereafter. Rather than see another sculpture den he would prefer to see the present conservatory round the portico of the Museum, ugly and unsightly as it was, continued and extended, and he sincerely hoped that no plan for removing the grand staircase, and constructing two rooms of sculpture, which must be badly lighted and unfit for the purpose, would be adopted by the Trustees. Next year he hoped the Chancellor of the Exchequer might be able to adopt the suggestion made by the Committee which sat last year, and of which he (Mr. Gregory) was the Chairman—namely, to buy up the block of houses around the Museum. That would not only be a good investment, but it would enable the Government to lay down a plan admitting of gradual enlargement, and at the same time carrying out the system of rearrangement which was urged upon the Committee by all the witnesses — a systematic chronological arrangement of the statues. An hon. Friend near him, whom all received as a high authority in all matters pertaining to art—the hon. Member for Lambeth—he begged pardon, for Southwark (Mr. Layard)—that hon. Gentleman recommended a sculpture hall, but, if this were found too difficult or too expensive to obtain, then lateral galleries. He (Mr. Gregory) believed a hall would be difficult and expensive to construct, but lateral galleries would not. The right hon. Gentleman opposite (Mr. Walpole) had alluded to the removal of some portion of the collections. Upon that point great difference of opinion prevailed, but throughout London there was great anxiety in different parts of the Metropolis to have local museums, and he thought that portions of the collections in the British Museum, if it were resolved to remove them, might be handed over to one or other of the local museums, the Trustees still retaining a proprietary right, and exercising a supervision over them. The Committee thought the ethnographical collection should be removed, and it was also suggested that the drawings of ancient masters should be removed to the National Gallery whenever the nation possessed a gallery capable of receiving them. With respect to prints the case was different, as they afforded instruction to the archæologist and the student in history. Upon the question of removing what was called the mediæval portion of the collection, there was great difference of opinion. He, as Chairman of the Committee, prepared a Report in the sense that the mediæval portion of the collection should be removed to whatever place Parliament should decide, but the Committee did not agree with him, and a recommendation to enlarge the British Museum was adopted. He still adhered to his own opinion upon that point, both upon the ground of economy and for the interest of the collections themselves. It was not fair to call upon the country to pay for two similar establishments in close contiguity with each other. It was said that the objects of the South Kensington Museum and the British Museum were different—that the latter was archæological and historical, while those of the Kensington Museum were educational and for the improvement of art. Practically, that appeared to him to be a distinction without a difference, the means of educational improvement were to be found in the British Museum and the materials for archæological and historical research could be found at Kensington. He adhered to his former opinion that the mediæval collection should be removed from the British Museum. He was aware that there was great difficulty in separating what ought to be placed in the British Museum from works of mediæval art. But Mr. Newton had thrown out a hint, showing that a canon might be laid down—perhaps rather a vague one—but still effectual for the purpose. He proposed to draw a distinction between Christian art and Pagan art. The line of demarcation might be difficult, but still it was only in a few instances that any doubt could be entertained. But in any case he thought the British antiquities representing the history of the nation ought to be retained in the British Museum, whether they were ante-Christian or post-Christian. But he had heard rumours that it was the intention of the Government next year to remove the whole or part of the natural history collections from the British Museum. He was satisfied that any attempt to transfer the natural history collections from their central position at Bloomsbury to a remote and less accessible situation at Kensington would give rise to great dissatisfaction. The weight of the official and scientific evidence taken before the Committee was against such a course, and if attempted it would be met as the proposed removal of the national collection of paintings to Kensington was met on a former occasion—by an adverse vote. The proposal was disapproved by Messrs. Gray, Marshall, Waterhouse, Professor Huxtable, and others. Professor Owen himself, the only name which those in favour of separation could quote, declared that he should infinitely prefer Bloomsbury, if he could only obtain sufficient space for his collection. The great arguments in favour of retaining the natural history collection where it was were three. First, the popularity of the collection with the middle and lower classes, a fact capable of being proved by a reference to statistics. In the next place, the importance of a central situation for such a collection had been strongly insisted upon. Lastly, there was the question of economy. If they built a natural history gallery at a distance from the great national library they would have to form a new library, the first cost of which, Professor Owen admitted, would be £30,000; and it would require a large annual sum to keep it up, and to purchase books of the same kind as they were also purchasing for the library in Bloomsbury. Then, the risk to many fragile articles which it contained, and which it was admitted could not be removed without great peril, ought not to be forgotten. He wished to open the eyes of the public to the outrageous proposition which the Government had apparently entertained in 1859. On the 10th of July in that year Professor Owen submitted a plan to the Trustees, in which he said that with the utmost economy of space he should require for the present wants of his collection, and for its probable extension within the next thirty years, a building of one story covering ten acres, or a building of two stories covering five acres. On the 21st of the following January the Trustees actually voted, by a majority of 9 to 8, that it would be cheaper to provide for the natural history gallery upon a site not contiguous to the Museum. That crazy, rash, and extravagant scheme was actually in contemplation last year. It was calculated that the expense of five and a half acres at Kensington would be £27,500, and at Bloomsbury, £240,000, the building on either site costing £567,000, making thus a total of £594,500, against £807,000. But that estimate was erroneous. It was proved before the Committee that the price of land at Kensington was misrepresented in that calculation, and that it should have been £53,000, and not £27,500. There was a space of 61,155 superficial feet in the British Museum which was devoted to natural history, and which could not be used for antiquities, as it was on the second floor. The space of 61,155 superficial feet represented £122,310—that was to say, it would cost that sum to provide buildings which they had already. Mr. Smirke, the architect of the Museum, declared that, beside that, the fittings alone would cost £80,000, as the old fittings in the Museum would not be available. Taking into account these figures, the 5½-acre plan at Bloomsbury would cost £656,000, and the plan at Kensington was estimated to cost £730,000, but he really believed it would cost £1,000,000, to say nothing of the large staff requisite for such an enormous building. But he would ask was all the space necessary which Mr. Owen required? The student of natural history who wished to go through the whole of the galleries would have to traverse a distance of nearly five miles. Professor Owen contemplated a great hall for the exhibition of whales. It was shown that the skins of whales could not be procured, and that, if they were procured, the stench would render it totally impossible for any one but a professor to enter the place where they were kept. He could fancy a notice being posted, "Shut at present on account of the stench." Even if the natural history collection were removed, not an iota of space would be gained for the antiquities, and, in his opinion, the plan was the most extravagant, the most useless, and the most unpopular which could be devised. It was proved before the Committee last year that scientific men did not require the exhibition of all the specimens, and that it would weary and disgust the public. There were nine species of crows, some of them so closely allied that only the most scientific men could distinguish them. Mr. Gould, and a host of scientific witnesses said, the public did not require to have in the galleries nine specimens of crows and thirty-nine specimens of warblers, all resembling one another. What was required was a liberal collection of type specimens. He regretted that a man whose name stood so high as Professor Owen's should connect himself with so foolish, crazy, and extravagant a scheme, and should persevere in it after the folly had been pointed out by most unexceptionable witnesses. A plan was proposed which struck every one in the Committee by its simplicity, its artistic and scientific character, and, above all, by its economy. Mr. Oldfield proposed a plan which was approved by the architect of the Museum, to make a chronological arrangement of the sculptures, and to provide at the same time for the perfect exhibition of the natural history specimens, by giving up the whole of the second story of the British Museum for the purpose. It would separate the natural history collection from the exhibition, and save the enormous expense which was clearly intended by the removal to Kensington. He congratulated the trustees on the changes which had been made, and on the liberality which had been evinced by Her Majesty's Government in improving the position of gentlemen who well deserved the increased salary and liberty accorded to them after long delay. But, while giving that praise, he must be allowed to qualify it with reference to one gentleman, who, he regretted, to say, was no longer connected with the Museum. He could not speak too highly of Mr. Oldfield. He believed that every member of the Committee appreciated the knowledge and taste displayed by Mr. Oldfield in the evidence which he gave last year, and the labour which he must have undergone in preparing a plan which was, in his opinion, the most perfect ever submitted for the rearrangement of the British Museum. Mr. Oldfield was a gentleman who was examined before every Committee and every Commission which had inquired into the subject. He was the person who arranged the Assyrian Gallery, the Egyptian Gallery, and the Greco-Roman and Roman Galleries, and the Temple Collection, and every one who had seen the admirable manner in which he had succeeded in those arrangements must be satisfied that the loss of his services would be a serious loss to the institution. Mr. Oldfield was most anxious to remain in the Museum, and offered to take any office, provided he was directly responsible to the Trustees and had an opportunity of submitting his views to them instead of submitting them to his superior officers, who might refuse to allow them to go before the Trustees. He even offered to serve gratuitously, if he were placed in this position with regard to the Trustees. In choosing Mr. Newton, the Trustees had chosen a very learned and a very worthy man, but the Trustees ought to have made such arrangements as would have continued the services of a man who had done such good service as Mr. Oldfield. He joined in the congratulations of the right hon. Gentleman at the additions which had been made to the Museum. He rejoiced particularly at the accessions which it had received from Africa, and, as M. de Chaillu had been very much abused, it was only fair to him to say that he had behaved in the fairest and most liberal manner. He had acceded at once, without any cavilling, to the valuation which had been put on his collection by the Trustees. Mr. Panizzi also deserved great credit for the zeal which he had shown in forwarding all plans for obtaining accessions to the Museum, and the Admiralty also ought to have their meed of praise for the assistance which they had given. Another matter he wished to allude to was the Campagna collection. At the close of last year the Russians were in negotiation for this collection, and the Trustees, when they heard of this, sent Mr. Newton to Rome to purchase it. Some understanding was entered into between him and the French agent with regard to the particular things which each wanted. The next thing they heard was that the French Government had purchased the whole of the collection for £192,000. Through Mr. Robinson the Directors of the Kensington Collection had secured all that portion of the mediæval collection which they required, but the British Museum had not obtained one single solitary thing. It was notorious that Mr. Robinson had had many difficulties in his way; but he was not a man to be easily overcome by difficulties. He went from Cardinal to Cardinal and from Monsignore to Monsignore until he obtained what he required, and if the British Museum had not a man at their command whom they could employ in negotiations it would be well if they would put their commissions in the hands of a gentleman like Mr. Robinson. He hoped next year when the Government came forward with a plan it would not be a thing as of shreds and patches, but that it would be one which would make the Museum a real pride to the country. Above all, he warned them against any attempt to separate the natural collection from the other collections, for that proposition, he was convinced, would meet with strong opposition both in London and the country at large.

Mr. LAYARD said, he was not at all surprised at the opinions expressed by his hon. Friend who had just sat down. In the Committee of last year, over which the hon. Gentleman presided, there were no less than seven Gentlemen who as Trustees were, in fact, on their trial in reference to the management of the Museum, but who, nevertheless, on the most important divisions came down when several independent Members were absent and outvoted them on almost every material point. The consequence was that his hon. Friend as regards the Report of his Committee was made to stand in the position of parent to a child which was not his own. In 1850 a Royal Commission was appointed to inquire into the management of the British Museum, but not one of the most important recommendations of that Commission had been carried out. It recommended, for instance, the abolition of the trustee system, and the creation of a Board—a recommendation in which he fully concurred, for it was impossible to carry on a large Museum under the trustee system. What was wanted was one man, one idea, and one controlling intellect. The Commission also pointed out how inadequate the present building was for the purposes of the Museum, and it appeared to him that the trustees were responsible for this state of things. At present the front rooms of the building was nearly useless on account of the portico which excluded the light. An enormous hall had been built merely to show the backs of books. Two galleries had been constructed to contain the Assyrian marbles, and when they were done it was found that the marbles could not be seen. Then the portico, which was probably intended for the Trustees to walk under and dispute, had been enclosed in a hoarding, within which were placed the marbles from Halicarnassus, from Budruom, and from Cyrene. There they were virtually excluded from public view, and were suffering injury from the soot and rain which beat in upon them. Day by day, as one thing was built it needed to be patched up in order to adapt it for the purpose for which it was really intended. These things were discreditable, and no saving was effected by such a policy. On the contrary, money was thrown away for nothing. With regard to the proposed separation, he thought it far better that art should remain at the British Museum, and that science should be transferred somewhere else. In no country in the world were the two brought together. Even, if the collections were retained under the same roof there should be a separate and distinct administration for art and science; the two collections should be kept distinct, with a separate staff, a separate establishment, and separate entrances. He quite agreed that the worst thing they could do was to patch. To do so was to throw away money, and in the end have to do the thing over again. As to the removal of the ethnological collection, that might be advisable, and some witnesses went so far as to recommend its transfer to the east of London, where it could be seen by seafaring people to whom it was asserted, it would prove of especial interest. Original drawings should not be kept in the Museum. They should be in the National Gallery, near the pictures for which they were frequently the first sketches; probably few hon. Members knew that over the cases containing the birds and other objects of natural history was one of the most interesting collections of portraits in England. £2,000 a year was actually being spent in the purchase of portraits many of which might be had for the asking in the Museum. Why not transfer them to the National Portrait Gallery? As to the removal of the mediæval collection, he did not agree with his hon. Friend, for it was almost impossible to draw the line between ancient and mediæval art. The reasons for giving mediæval art to Kensington were rather extraordinary. It was said that that was an educational establishment; but, if art education were desired, he would rather take a student to an Etruscan vase than to a bit of Palissy. At the same time it was marvellous to see what had been done at Kensington by Mr. Cole within a period of seven years. A very eminent French artist M. de Triqueti, in an article in the *Revue Nationale*, had expressed his surprise at what had been done there, and said that if the British Museum had only such a head as Kensington, France and every other country might despair, for England would have the finest art collection in the world. As far as the history of art was concerned, no collection could compare with that in the British Museum, but it was almost useless on account of its bad arrangement. Under the present system, the recommendations of those best calculated to judge of the requirements of certain collections were set aside, and it was in vain that they protested. It was, indeed, a bad system, and he trusted something would be done to reform it. At the beginning of the next Session he would bring the whole question before the House, and move distinct Resolutions with a view of reforming the administration of the Museum and of getting all the collections put under one responsible head. He must say he thought Mr. Oldfield's plan for the enlargement of the Museum perfectly feasible, and he believed that by adopting it in a few years a great deal might be done at no great expense. Mr. Oldfield was a most valuable servant, and he deeply regretted the cause of his having left the establishment. He (Mr. Layard) only wished that gentleman could again be employed, and he believed if it depended on his right hon. Friend (Mr. Walpole) Mr. Oldfield would soon be there again. As to constructing a building adapted to the purpose required, they need only look to the new reading room to see what could be done when they were not trammelled with an architect. Mr. Panizzi had given them a magnificent hall in every manner admirably calculated for its purpose. He had not shown it to a single person, whether Englishman or foreigner, who did not so consider it. With regard to the enlargement of the Museum, he trusted that some definite scheme would be laid down, which, if it could not be carried out at once, might at least be carried out as adequate means were found, and which in time might produce a complete building worthy of the nation.

Mr. MONCKTON MILNES said, he had taken part in the Commission referred to by the hon. Member for Southwark, and he was of the opinion that the Resolutions of that Commission were of a most useful character. The noble Lord the Member for London, who was not in the House that night, and whom, perhaps, they might never see again in the House, but whose absence they would all regret, appointed that Commission, which sat for about two years, and recommended a distinct division between the departments of science and art, and pointed out the necessity of each being governed by a separate head. He had never been able to understand why the Resolutions of that Commission were not carried out. He was aware, however, that several of the Commissioners, and perhaps in that capacity they did not see the same necessity for carrying out their recommendations as before. Still, year after year passed away without bringing the desired conclusion nearer. The same confusion and the same congestion of articles existed, and the same want of accommodation to the public for the purposes of information. No one change had taken place of any considerable benefit, except the construction of that great room, for which they had to thank Mr. Panizzi. He believed that the reason no advance was made was because they did not boldly and at once confront the question of separation, the collections in the Museum being, from the confusion of subjects, repulsive to people of taste. He trusted that the Government in examining the matter would look the question of separation boldly in the face, and decide upon it one way or the other. With regard to the lighting of the library of the British Museum in the evening he could not admit that the evidence of that much-lamented gentleman, Mr. Braidwood, was to be taken as conclusive. As long as gas was unscientifically made the injury to books was very great, but when gas was used, such as that consumed in the House of Commons itself or in the library of the Athenæum, in a chamber separated from the building by thick glass, no injury whatever need be sustained by the books. If the great dome of the British Museum were lit with gas in this manner the library might be made accessible to the population of this Metropolis on winter evenings without danger. He hoped that this subject would again come under the consideration of the trustees. He adhered to the opinion that a more efficient government of the Museum was required. The Trustees were most diligent in their attendance; but, after all, it was a government of amateurs. A government of amateurs was a very good thing in its way, but this was an institution too great to be governed by amateurs. Then look at the patronage of the Museum. Who were the personages who appointed every clerk, and, he believed he might even say, every housemaid about the building? The Speaker of the House of Commons, the Lord Chancellor, and the Archbishop of Canterbury. He had felt quite ashamed to write to these personages when he wished to recommend some young man for appointment or promotion in the British Museum. Of course, in such cases it always ended in a delegation of some kind or other, in which the names of these high functionaries were, no doubt, sometimes improperly used. He agreed in all that had been said in regard to the character and conduct of Mr. Oldfield. The officers of the Museum were gentlemen of great attainments, and the small addition made to their remuneration had been in every respect well merited.

THE CHANCELLOR OF THE EXCHEQUER said, that the discussion of the evening had traversed rather a large field, but in the few words which he wished to address to the Committee he would not attempt to touch upon the great variety and diversity of the topics which had been introduced into the debate. He was bound to say, however, that the view presented to the British public and to the Government was most disheartening if the pessimist sentiments of hon. Members who had spoken that night were to be generally adopted. The Museum contained the richest and most magnificent collection in the world. But they had been assured the Government was bad, the building was bad, the arrangement of the collection was bad, the Museum never could do well as long as an architect had to do with it; and lastly, the principal librarian, in the opinion of one hon. Gentleman, although he believed he stood alone, was bad also. Well, the Government were of opinion that the case of the British Museum was one that called, and had long called for consideration; and the reason it had not had practical consideration was, not that the Government were unwilling to entertain it, but on account of those abundant differences of opinion of which the discussion they had had afforded ample evidence. They were all agreed that something ought to be done, but not what that something was. The hon. Member for Southwark did not agree with the hon. Member for Galway, except in one proposition, that there ought to be no patching, and nothing could be easier than to subscribe in general terms to such a doctrine. But when they came to consider what was meant by "patching," they would find one Gentleman meant exactly the reverse by that opprobrious term of what another meant. If, for example, a body of gentlemen called before them the greatest living naturalist, whose splendid genius and high character ought to have exempted him from being the object of the terms indulged in by the hon. Member for Galway in speaking of Professor Owen's plans— if they had heard from that Gentleman that a space of five and a half acres for the exhibition of his specimens of natural history were required, and then cut down that five and a half acres to two acres—he should consider that not altogether unlike patching. No doubt the pressure for space acted injuriously and caused great inconvenience. He would admit that it had reached a point that was scarcely compatible with the character and credit of the country. The Government were sensible of the evil, and they were of opinion that the difficulty ought to be faced without "patching," but by the adoption of some plan giving large and complete provision for a great length of time. But in order to fulfil that condition it was essential that there should be a separation of the collections, and that this separation should be drawn between the natural and scientific objects and the objects of art. The Government had thought it right to do something to elicit the opinion of the House of Commons. The Committee had made a Report, but he doubted whether it expressed the general sentiment of the House, and the Government were not prepared to act on that Report. The tendency of the Report was to keep the collections together, yet the Committee were not absolutely and uniformly of that opinion, because they thought that the ethnological collection had better be kept elsewhere. Those who were for keeping the collection together might be divided into two classes—those who advocated it on grounds of prudence and expediency, and those who favoured it on grounds of principle. Those who held the latter view maintained that, as the Museum had its origin in a private bequest, it would be to profane the intentions of its founder to separate or remove it. Of that opinion there seemed to be a few advocates. The Committee had abandoned it, and the hon. Member for Galway abandoned it because he proposed to give up the mediæval and ethnographical collections, and would also give up the drawings. That being the state of the case, he thought it was the duty of the Government to consider what course was dictated by prudence, public convenience, and a due regard to public feeling. He agreed with those who entertained the opinion that whatever was done ought to be done in such a manner as that it might not require hereafter to be undone. If, therefore, the Government were not prepared now to adopt the largest plan which had been laid before them, their endeavour must be so to adjust their present measures that they might do nothing which they would have to retract hereafter, or which would cross and traverse public feeling. The hon. Member for Galway had adverted to some plan which he seemed to think was in contemplation, and which he had aimed at prevented from being carried into effect; but he could assure him the Government, neither alone nor in conjunction with the trustees, sought to do anything without the approval of the House. He must at the same time distinctly tell his hon. Friend that the Government would not found their proceedings on the Report of the Committee, because, although in principle it gave up the idea of union, yet it contemplated that which the Government thought was unreasonable and inconvenient —an indefinite extension for an indefinite period on one and the same spot of vast and heterogeneous collections. The buildings connected with the British Museum admitted, he believed, in many parts, of considerable architectural improvement, while there were portions of the ground within the precincts of the present site not occupied which might be occupied for the purposes of the Museum. There were two sources of increased accommodation, while he believed it was admitted that certain branches in the Museum could be and ought to be removed. His hon. Friend the Member for Galway threatened to raise popular emotion, which, he hoped, might not end in popular commotion, with respect to the removal of the natural history collection. Now, he was disposed to admit with him, that, whether owing to tradition, or custom, or positive convenience, there was a certain amount of public feeling which would welcome the preservation of the zoological collection on the present site, and he might observe that no absolute necessity for entertaining the question of the removal of that collection existed at the present moment. But without raising any question which may hazard the future solution of the points in dispute, he thought it was open to Government very greatly to enlarge the accommodation afforded by the Museum. The present hour was not the time to enter into details on the subject, but he might state it to be the opinion of the Government that no necessity now existed for raising the question connected with the removal of the zoological collection. Improvements in building and the occupation of unoccupied space would, he believed, be useful so far as they went, and would afford increased accommodation for a considerable period. He might add that he did not think his hon. Friend's allusion to Professor Owen involved any want of respect for that distinguished man, any more than what had fallen from him might be construed into a want of respect for the hon. Gentleman himself. He would, therefore, say *veniam petimusque damusque vicissim,* and would assure his hon. Friend that the Government would take the proper opportunity during the recess of bringing the subject under the consideration of the Trustees, and endeavouring, in concert with them, to hit upon some plan which would so relieve and improve the British Museum as to render its condition satisfactory to the House and the country.

Captain JERVIS said, he wished to ask the right hon. Gentleman, the Member for the University of Cambridge (Mr. Walpole), if he could state, with any degree of certainty, whether it was intended to render generally accessible the drawings of the ancient masters in the British Museum, and whether they were to be displayed there or at Kensington? To the working artist they were of the utmost importance.

Mr. TITE said, he could not conceive how any alteration of the natural history collection was to take place. The solution of the question appeared to him to consist in the adoption of Mr. Oldfield's plan, which, by the arrangement he suggested, gave the whole of the chronology, the archæology, and the architecture in a very complete system. He was afraid that, however the so-called system of patching was decried, he did not see how they could progress satisfactorily without it. But with all its faults they might well be proud of the Museum collection, which was one of the finest in Europe; and as for the library, probably it was the finest in the world. With regard to the Campana collection he admitted they were outbidden upon it; but at the same time he believed if a Minister of the Crown were to rise and ask for a Vote of £100,000 for such a collection, hon. Gentlemen would be somewhat unwilling to grant it.

Mr. DANBY SEYMOUR said, he gathered from the speech of the Chancellor of the Exchequer that he was going to do what many of them so much disapproved—namely, to carry out the plan of Professor Owen and those who supported him. He would, no doubt, first remove the mineralogy and the palæontology, and then the zoology must follow. That would be an underhand mode of working. They ought to be told plainly what was intended. Kensington Museum was an admirable thing; but they were not to be treated as children, and to have a good object revealed to them only bit by bit. There should be some distinct determination of the House upon the subject before the divisions of the collection were attempted to be carried out. The government of the British Museum was admitted on all hands to be defective, but many persons had left their collections to the nation upon the understanding that they were to be in the charge of trustees, and the trustees could not be at present got rid of. He should like to see these national collections under the control of a responsible Minister of education sitting in that House; but as the Committee of Council were at present without a responsible head in the House, he objected to this duty being entrusted to them.

Mr. CONINGHAM said, he wanted to know whether it was intended that the archæological collections of the British Museum, the finest in the world, were to be broken up? The reason why the British Museum was overcrowded was that they were omniverous, and were not satisfied with having a perfect national collection, but filled up the rooms with useless articles.

Mr. KINNAIRD asked whether there was any probability of the Museum being opened of an evening, an advantage which a great number of working people desired?

Mr. WALPOLE said, he would remind the Committee that nothing was more easy than to find fault, and nothing more difficult than to find a remedy. If the Trustees of the Museum needed any justification in respect of the censures aimed at them, it was to be found in the conflicting opinions delivered that night, which showed that whatever the Trustees had done, they would have been blamed for something. Upon the retirement of Mr. Hawkins it was arranged that three keepers of departments should be appointed, and the question was who should they be. Mr. Birch, the senior of his department, had been appointed keeper of the Egyptian department; Mr. Newton, who had been in the Museum many years, and who was one of the most intelligent gentlemen alive, was appointed as keeper of the classical antiquities, and he (Mr. Walpole) would stake his existence that a better appointment could not have been made. The keeper of the coins also was a gentleman thoroughly conversant with that matter; and if Mr. Oldfield had been appointed instead of any one of these gentlemen an injury and an injustice would have been done. Nobody took greater pains than he (Mr. Walpole) personally took to preserve Mr. Oldfield's services for the public, and he believed that unless Mr. Oldfield had thought that he would not be in so independent a position as that to which he naturally aspired he would have remained. The hon. Member for Southwark had made a serious attack, as he had often done before, upon the constitution of the government of the Museum. And if he were to respond to the hon. Gentleman's question of what sort of government was best, he might, as an abstract principle, prefer the government of a single authority; but the Trustees had been working for many years, and working in a way which had been attended with great advantage to the establishment, and he thought it would be a serious thing to disturb that government. His opinion was that it would not be desirable to change the Trustee management. Each head of a department was responsible for his department; so that the public had undivided responsibility in each department, subject only to that control which must be always exercised in establishments which were composed of several divisions. As to the Campagna collection, the non-purchase of that collection was not owing to any delay on the part of the Trustees. With respect to the additional space required, an expression of his personal opinion on any particular plan would now be premature; but he might say that all the plans which might be submitted to them would receive the attentive consideration of the Trustees, and he hoped that such an arrangment would be made as would contribute to the better exhibition of the very valuable collection, for the due arrangement of which the existing accommodation was decidedly insufficient.

Mr. AYRTON said, that, even without opening the Museum by gaslight, a great deal might be done to afford the people greater facilities for visiting it. It was at present closed at six o'clock in the evening, though there was daylight till nine. He should like to hear some explanation from the right hon. Gentleman on that point.

Mr. WALPOLE said, he could assure the hon. Gentleman that the matter had been most carefully considered. The Trustees had gone into the minutest details. He himself had recommended that the Museum should be kept open till half-past eight in the evening during the summer months, when he found that it could not be opened by gaslight; but, on referring to former experience, it appeared that when it was kept open till eight o'clock the people would not come between six and eight, and that the number who might be expected to visit it between those hours would not be at all commensurate with the additional expense which would be incurred by keeping it open till eight.

Vote *agreed to.*

House *resumed.*

Resolution to be reported *To-morrow;* Committee to sit again *To-morrow.*

DURHAM UNIVERSITY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee).

Clause 2 (Appointment of Commissioners),

Mr. FENWICK said, he objected to the name of the Bishop of Durham, and should move that it be omitted. The right rev. Prelate was not only Visitor of the University, but he had the appointment of the whole of the governing body, and being deeply interested in the existing state of things, he was not a proper person to be named one of the Commissioners.

Amendment proposed, in lines 10 and 11, to leave out the words "the Right Reverend Father in God, Henry Montagu, Lord Bishop of Durham."

Sir GEORGE LEWIS said, the situation of Durham University was peculiar, as having been constituted by an act of the Bishop and chapter. As the Bill proposed to give a legislative and remodelling power to the Commissioners it seemed desirable that there should be some person upon the Commission connected with the Church. He had applied in the first instance to the Archbishop of York, who had been a member of the Oxford Commission, but the numerous avocations of his Grace unfortunately prevented him from serving on the Commission. Under these circumstances he hoped the name of the Bishop of the diocese would be allowed to stand.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 75; Noes 30: Majority 45.

Clause *agreed to,* as were also Clauses 3, 4, and 5.

Clause 6 (Powers of Commissioners),

Mr. DANBY SEYMOUR said, he would move, as an Amendment, to leave out from the beginning of the clause to the word "furthering," and to insert "in order to promote useful learning and religious education." That would place the words in the sequence in which they stood in the Act from which the Bill professed to be taken. The fault of the University of Durham was, that it was only a seminary for curates.

Sir GEORGE LEWIS said, the principal effect of the Amendment would be to leave out the words "practical knowledge," though the hon. Member wished to make the education generally useful.

Mr. DANBY SEYMOUR said, that was not the object, but that religious education should not stand first.

Amendment *negatived.*

Clause *agreed to.*

Clause 7 (Restrictions on Exercise of powers by Commissioners),

Mr. FENWICK said, that at present the Durham University was under the sole control of the Bishop of Durham. He had been informed by a letter he had lately received that the Bishop of Durham was a near relative of the right hon. Gentleman the Secretary of State for the Home Department, that the Dean of Durham was a brother of one of the Under Secretaries of State for the Home Department, and that the drawer of the Bill was a nephew of the Professor of Divinity in the University, who received £4,000 or £5,000 a year for lecturing four or five times a week to eight or ten young men. Of course he (Mr. Fenwick) did not believe a word of this statement, and he only brought it forward on the present occasion for the purpose of giving the right hon. Gentleman an opportunity of giving it a direct contradiction or a fit explanation. The Bill, however, as it stood, did nothing to alter the state of things to which he had alluded—namely, the absolute control exercised by the Bishop of Durham over the University; and as long as that continued it was quite impossible that the University could answer the purpose for which it was originally founded. The present Bill gave no real power to the Commissioners, and they would, in fact, prove utterly useless. He would, therefore, move as an Amendment the omission of the words in the clause which, if left out, would obviate the objection he had referred to.

Sir GEORGE LEWIS said, the very coarse imputations and personal motives which had been scattered upon the promoters of this Bill did not offer much encouragement to bring forward measures of the sort, which he believed was a measure dictated by a liberal and comprehensive spirit. The hon. Member said he (Sir George Lewis) had been influenced by motives of personal relationship—[Mr. Fenwick: No, no!]—to the Bishop of Durham, in order to give him some sort of advantage. Then that an Under Secretary of State was brother to the Dean of Durham, and that there was some relationship between the draftsman and officers of the University. Now, he would take upon himself the entire responsibility of the measure. He had no objection to omit the paragraph which was opposed; but he did not think its omission would have the slightest effect.

Mr. HENLEY said, the debate was very instructive. The University of Durham founded the University out of their own funds, and the hon. Gentleman said they did it because they found they were an object of envy. That was charitable at least. It was objected to ecclesiastical persons founding a University out of ecclesiastical funds that they made religion their principal object. He thought the discussion was a warning to individuals as to corporate bodies, however wealthy they might be, never to do anything for anybody.

Amendment *negatived;* Clause *agreed to.*

Remaining Clauses *agreed to.*

Mr. MOWBRAY said, he would then move the insertion of a clause similar to one contained in the Oxford and Cambridge University Acts, declaring that it shall not be binding upon the person taking a degree to make any declaration whatever, but that until he shall have subscribed a declaration stating that he is a *bonâ fide* member of the Church of England he shall not be eligible as a member of the Senate, or to hold any office for which such a degree heretofore constituted one of the qualifications.

Clause (Oath, Declaration, or Subscription not to be required)—*brought up,* and read 1°.

Sir GEORGE LEWIS said, he thought it would be better to leave this matter to the discretion of the Commissioners.

Motion made, and Question put, "That the Clause be now read a second time,"

The Committee *divided:*—Ayes 26; Noes 64: Majority 38.

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

WINDSOR SUSPENDED CANONRIES BILL.—COMMITTEE.

Order for Committee read.

Mr. AYRTON said, he objected to that very objectionable measure being proceeded with at that late hour (quarter past one.)

Mr. VANSITTART said, he hoped the right hon. Gentleman the Home Secretary would show sufficient determination to persevere with the Bill.

House in Committee.

(In the Committee.)

Clause 1 (Appropriating the profits of the Seventh Canonry to the Military Knights of Windsor),

Mr. DEEDES said, he strongly objected to the clause as inconsistent with the existing law relating to capitular estates.

Sir GEORGE LEWIS said, that the Chapter of Windsor was dissimilar from the cathedral chapters generally, and that the Military Knights once formed an integral part of the Chapter of Windsor. The Bill proposed to take two of the canonries, and give the profits of one of them to the Military Knights, assigning the other to increase the endowments attached to local livings.

Mr. DEEDES said, he also objected to the application of the funds of one of the suspended canonries to the increase of the two livings in Windsor.

Mr. VANSITTART said, there were no livings in England which had a greater claim to have their endowments increased than had those of Windsor.

Clause *agreed to,* as was also Clause 2.

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

House adjourned at half after
Two o'clock.

HOUSE OF LORDS,

Tuesday, July 23, 1861.

Minutes.] *Sat First in Parliament.*—The Lord Abinger, after the Death of his Father.

Public Bills.—1ª Lord Clerk Register Salary Abolition; Enlistment in India; Ordnance Survey Continuance; Crown Suits Limitation; Criminal Proceedings Oath Relief; Metropolis Local Management Acts Amendment; Ecclesiastical Dilapidations.

2ª Voters (Ireland); University Elections; Salmon Fisheries; Irremovable Poor; Dublin Revising Barristers; Lunatic Asylums (Ireland) Act Continuance; County Cess (Ireland) Act Continuance; Naval Medical Supplemental Fund Society; Local Government Act Amendment.

3ª Attornies and Solicitors (Ireland).

BANKRUPTCY AND INSOLVENCY BILL.

Returned from the Commons, with certain Amendments *agreed to,* some *agreed to,* with Amendments; and some *disagreed to,* with their Reasons for such Disagreement: The said Reasons and Bill, with the Amendments, to be *printed;* and to be taken into Consideration on *Friday* next. [Nos. 230 and 231.]

ANNOYANCE JURORS (WESTMINSTER) BILL.—COMMITTEE.

House in Committee (according to Order).

LORD LLANOVER said, that the Act of Elizabeth entitled "An Act for the good Government of the City or Borough of Westminster," amended by subsequent Acts, appointed, amongst other things, an Annoyance Jury, whose duty it was to inspect annoyances, obstructions, and weights and measures. The object of the Bill was to abolish the Annoyance Jury, and to vest its powers in the "Court of Burgesses" which constituted the local government of Westminster, with power to appoint inspectors to summon offenders, and to inflict penalties, which were to be paid one half to the Bailiff of Westminster, the other half to the Court of Burgess, for the purpose of defraying the expenses of the Act. The object of the Amendments he proposed to move was to place the duty of punishing offences of this kind in the hands of the stipendiary magistrates, as was the case in the other metropolitan districts; and to direct the fines to be paid over to the Bailiff. The noble Lord said that the inhabitants of Westminster objected to the continuance of this power in the hands of the Court, which was a self-elected body; and, while admitting that more persons were fined for having deficient weights and measures in the City of Westminister than in other parts of the kingdom, explained that circumstance by stating that in Westminster the fines were not, as they were elsewhere, paid to the county treasurer, but were paid to the burgesses and applied by them. The noble Lord then moved an Amendment in Clause 5 to strike out the words "the said Court of Burgesses," and to insert "two Justices of the Peace for the County of Middlesex."

LORD CHELMSFORD defended the constitution of the Court, which he said had been established three centuries, and which had always attending its meetings a town clerk, who was usually a lawyer, and who was appointed by the High Steward. The Annoyance Jurors, as they were called, though their object was rather to prevent annoyance, had the power to enter into shops and examine the weights and measures, and defacing or destroying those they found defective, and amercing offenders in penalties to the amount of 40*s*. But the Court of Burgesses, assembling once a month, had power to mitigate the fine. This jurisdiction had been conferred upon the Court of Burgesses by an Act passed in the 27th year of the reign of George II., and had been exercised most beneficially for more than a century. As the humble classes were those who suffered most from fraudulent weights and measures, it was necessary that there should be constant supervision over the traders in particular districts. A return published in 1858 showed that in the previous year there were a greater number of convictions for improper weights and measures in Westminster than, with one exception, in any other division in the country. The fines received by the Court of Burgesses amounted to £50 or £60 a year. He left it to their Lordships to consider whether the Court was more likely to discharge its duties more diligently and painfully in consequence of this amount of revenue. No complaint had ever been made as to the practical working of the Court, but it had been objected by many of the inhabitants that the being compelled to serve on this Annoyance Jury was a very great burden. Accordingly, a Bill had been introduced to abolish the jurisdiction of the Court of Burgesses, and to substitute for them an Inspector of Weights and Measures. The Court of Burgesses themselves did not object—they considered the measure to be a relief and a benefit. No doubt it was most desirable that the Inspectors should act under a constant and vigilant superintendence, and if the Inspectors were not to be answerable to the Court of Burgesses he thought the door would be open to a great deal of connivance and partiality. There was nothing in his noble Friend's argument beyond this, that the Court of Burgesses was a self-elected body.

THE EARL OF POWIS was of opinion that it was better to transfer the jurisdiction of the police magistrates than to continue it in the hands of the Court of Burgesses. It would, of course, be open to any of the inhabitants who thought they had reasonable ground for complaint against the Inspector, to prefer such complaint before the magistrates. It was but reasonable that the jurisdiction should be placed in the hands of the police magistrates, rather than in those of a self-constituted body like that of the Court of Burgesses.

VISCOUNT DUNGANNON thought that the police magistrates had quite enough business thrown upon them without being saddled with those additional duties of looking after the Inspector of Weights and Measures and hearing complaints respecting him.

LORD LLANOVER said, he thought it would be a great improvement to have this jurisdiction transferred to the stipendiary magistrates; but he would not trouble their Lordships to divide upon the Amendment.

Amendment (by leave of the House) *withdrawn.*

Amendment made ; The Report thereof to be received on *Thursday* next.

UNIVERSITY ELECTIONS BILL.

SECOND READING.

THE EARL OF POWIS said, this Bill was introduced into the other House at the beginning of the Session in consequence of the Resolution of a Committee which sat last year, that it was desirable that votes for the election of Members for the Universities should be recorded in a prescribed form before a justice of the peace. The Bill was referred to a Select Committee, and, after considerable discussion, passed the House of Commons in its present form. The reason for the Bill was the non-residence of almost the whole of the University constituencies. They numbered respectively 3,500 and 5,000 voters, and only about 250 were resident either in Oxford or Cambridge. A great deal had been done by the multiplication of polling places to render it more easy for the voters in other constituencies to record their votes, and a majority of those voters were resident in the borough or county for which they possessed a qualification. The Bill sedulously avoided anything like voting by proxy, and would greatly diminish the cost of contested elections for the Universities. He, therefore, hoped their Lordships would assent to the second reading.

Moved, That the Bill be now read 2ª.

Motion *agreed to ;*

Bill read 2ª accordingly, and committed to a Committee of the Whole House on *Thursday* next.

SALMON FISHERIES BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD STANLEY OF ALDERLEY, in moving the second reading of the Bill, the object of which was to preserve the breed and growth of salmon, said, that a Commission which was appointed last year examined witnesses as to the state of the rivers in England, and ascertained the undoubted fact that salmon which formerly existed in them in great abundance had diminished in some, and in others had almost ceased to exist. The causes were the establishment of fixed engines, the pollution of the waters, the complication of the law, the non-observance of a closing season, and illegal modes of fishing. The Commission made a Report, and this Bill was founded upon its recommendations. From the time of Magna Charta down to the 11 & 12 *Vict.*, Parliament had constantly recognized the duty of protecting the salmon. At present all kinds of obstacles were interposed in the way of the salmon when they attempted to ascend the rivers for the purpose of spawning, and every possible effort was made to capture them by means of fixed engines, fixed nets, and other contrivances. It had been the uniform object of the Legislature to give the salmon a constant and ready access to the upper waters, and with this view it was now proposed to prohibit the continuance of any fixed engines except where a fishery of this kind existed by ancient charter or grant of the Crown. It was also proposed that in the case of dams and weirs a constant and ready access should be provided for the salmon to the upper waters by means of a gap or " free pass," and it provided a weekly close time from eight p.m. on Friday till six a.m. on Monday. Spearing and " burning the water " would be prohibited, and a penalty would be inflicted on any person who permitted deleterious matter to flow into a river so as to kill or poison fish, subject, however, to exemption from the penalty if he proved to the satisfaction of the Court that he had used the best practicable means, within a reasonable cost, to render such matter harmless. He believed that as the law now stood an action might be maintained against any person who thus poisoned the fish, but this was a costly process, and the Bill provided for the infliction of a penalty if the offence were proved to the satisfaction of two magistrates. The Bill inflicted penalties for the capture of unclean fish, for taking the young of salmon, and for disturbing the fish when spawning. It was proposed to declare a close time between the 1st of September and the 1st of February, and to make it illegal to sell or offer to sell any salmon during that time. There might be objection to some of the provisions of the Bill, but he hoped their Lordships would assent to the second reading. It was naturally of interest to all sportsmen, but it had also a wider interest, since it was calculated to insure a valuable supply of fish, which was now almost destroyed. This country possessed some excellent rivers for fishing, but the quantity of fish there seemed to be gradually becoming smaller. He did not expect ever to see salmon sold for a penny a pound, or to find a clause again inserted in the indentures of apprentices providing that they should not be made to eat salmon oftener than three times a week. But he did expect through the operation of this Bill that salmon would become more plentiful and cheaper than it was at present.

Moved, that the Bill be now read 2ª.

THE EARL OF MALMESBURY said, he had not proved a true prophet when he warned their Lordships that a rather extraordinary and somewhat amusing Bill would come before them on this subject. The House of Commons were entirely of his opinion, for in the Select Committee they had deprived the Bill of its singular and objectionable features, and this was now a practical measure, which, with some alterations, might be very fairly passed into a law. There would, however, be some difficulties in carrying out the Bill. He thought that their Lordships, however well versed they might be in natural history, would be very much puzzled if they should ever have to apply the definition of a salmon as given in the Bill. For example, it seemed that a magistrate before whom an offender under this measure was brought would be expected to know the difference between "a salmon, cock or kipper, kelt, laurel, girling, grilse, botcher, blue cock, blue pole, fork tail, mort, peal, herring peal, May peal, pugg peal, harvest cock, sea trout, white trout, sewin, buntling, guiniad, tubs, yellow fin, sprod, herling, whiting, bull trout, whitling, scurf, burn tail, fry, samlet, smoult, smelt, skirling or scarling, parr, spawn, pink, last spring, hepper, last brood, gravelling, shed, scad, blue fin, black tip, fingerling, brandling, or brondling." Now, he thought that most of the magistrates of this country would be rather puzzled when a delinquent was brought before them to know to which of these fish the offence applied. This must be simplified in Committee. He hoped, too, before going into Committee that his noble Friend would look at some points which rather seriously affected property. He entirely agreed that all fixed engines and obstacles to the passage of the fish up the river should be removed. There were, however, two clauses in the Bill which he thought were highly objectionable—namely, that which prohibited fishing with nets within fifty yards of a mill dam or fishing weir, and that which provided that the fishing should be closed from eight o'clock on Friday evening till six o'clock on Monday morning. As long as dams or weirs were obstructions to the passage of the salmon there might be reasons for prohibiting fishing in their neighbourhood; but as it was intended by this Bill to provide that a free passage should be allowed for the fish over such structures, it would be absurd and unjust to prevent proprietors from fishing as near such dams or weirs as they pleased. In some rivers in the south of England, as, for instance, in that at Christchurch, the enforcement of such a provision as that contained in the Bill would entirely destroy the fishing, because the pools near the dams and weirs were the only places in which fish could be caught. As to the weekly close time, it would, in his opinion, be quite sufficient to forbid fishing between six o'clock on Saturday night and six o'clock on Monday morning; and he hoped their Lordships would not overlook the circumstance that upon persons who had taken fishings as a means of obtaining a livelihood the deprivation of one day's fishing a week would operate as a great hardship. He hoped that the noble Lord would not insist upon retaining in the Bill the provisions to which he had referred.

THE EARL OF LONSDALE said, he did not intend to oppose the Bill, but he thought that some alteration would be requisite in the wording of some of the provisions before it was allowed to become law.

LORD LLANOVER considered that it would be politic to make some concessions to those who were interested in the upper waters, who were, or ought to be, the great salmon preservers.

LORD STANLEY OF ALDERLEY said, that this was a subject in which all persons were interested, and he believed that they would willingly give their assistance in carrying out the law. At the same time he had no objection to some slight alterations being made to meet the views of the noble Earl who had raised the objection.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

IRREMOVABLE POOR BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD WODEHOUSE moved that the Bill be now read a second time. The object of the measure was to amend the present law with regard to the class called the irremovable poor. This class of poor was created under an Act passed in 1846, which made a residence of five years in a parish to confer a status of irremoveability. By another Act, introduced by Mr. Charles Buller, when he was President of the Poor Law Board, the support of the irremoveable poor was thrown upon the common fund of the union to which they belonged, the assessment being calculated upon the cost of the relief of the settled poor during the three preceding years. By this law a very large number of poor persons became irremovable ; in 1860 no less than 225,000 persons were relieved as irremovable poor, the expenditure on their relief being £780,000. The alterations proposed to be made by the present Bill were these :—It was proposed, in the first place, to diminish the time during which a continuous residence should render a person irremovable from five years to three ; and instead of its being necessary that this continuous residence should be within a particular parish, such residence within the limits of any one Poor Law Union should be sufficient to render a person irremovable. It was proposd also to make a change in the mode of raising the common fund from which the relief of the irremovable poor was to be given. Instead of an assessment on the average expense of the settled poor for the past three years, it was proposed that the fund should be raised by a rate on the assessment to the county rate ; so that the expenditure from this common fund should be equally distributed according to the county assessment of all the parishes in the union. There were good reasons why these changes should be made, though they would not justify any apprehension or alarm that they would make any great and radical change in the existing law. The present was not a Bill for the abolition of settlement, nor was it a Bill for establishing a union rating. The measure was confined to one particular class of poor, and its object was to remedy certain evils that had arisen out of the law of 1846 itself. Of the two principal changes, one had reference to the ratepayer, the other looked rather to the interest of the poor. It was obvious that the law of 1846 aggravated the inconveniences which arose in parishes which were in the possession of a few landowners. Independently of the natural desire of the proprietors of such parishes not to be burdened with the charge of a large number of poor, an additional reason for removing them was given by the Act of 1846. Under that Act the charge for the relief of the irremovable poor was calculated on the average expenditure for the relief of the settled poor during three years. It was, therefore, the interest of the owners of parishes to diminish as much as possible the number of the settled poor within their limits. This was a grievance that did not rise from the general principle of the Poor Law ; it had arisen wholly under the special legislation of 1846. He called it a grievance, for it certainly threw a burden on the ratepayers of open parishes, or those in the hands of many proprietors, and, undoubtedly, it gave rise to cases of extreme hardship among the poor. The question of the effect of close parishes was one that had been much examined and discussed. He would not push any argument to an extreme, but he knew that in some close parishes there had been an actual diminution of the population compared with parishes belonging to a number of owners. When poor people came in to supply a deficiency of labour, not in a particular parish, but in an entire district, it was a great hardship that the whole cost of their relief should be thrown upon what were called the "open" parishes ; yet these parishes were overburdened with poor because land could be procured in them on which residences for labourers could be erected; while the "close" parishes, which benefited by their labour, exempted themselves from contributing to their relief, because they refused to permit them to settle within them. As to lessening the period of residence, one of the greatest improvements made in the administration of the Poor Law of late years had been the decrease of the number of removals. Those removals were to the poor the greatest hardships existing under the administration of the Poor Law system. Most of their Lordships must have seen cases of extreme hardship caused by those removals, and he contended it was their duty to diminish the hardships caused by them. It was proposed to render a man irremovable after a residence of three years—not in any particular parish, but within the union. However much they might be in the habit of praising the parochial system of this country, yet they must remember that these parishes were very ancient divisions, made without reference to the relief of the poor, and by adhering to them great anomalies and much hardship had been created. But the union was a recent division, formed with special reference to the administration of the Poor Law. The Bill did not seek to establish a union rating with regard to the settled poor; all that was sought to be established was to make the area of the union the limit within which a residence of three years should render a person irremovable. Owing to the provision in the law requiring residence in a particular parish to make a person irremovable, it frequently happened that after a man had resided for seven or eight years in a particular house, he lost his right to be considered irremovable by merely moving to a distance of 100 yards, or, perhaps, to the other side of the street in the same village, and rendered himself liable to be removed to a distant part of the country. It was to mitigate that evil of the law of settlement that the change provided by this Bill was proposed. He held in his hand Reports of Poor Law Inspectors and other documents, which contained evidence of the practical hardship which the present law entailed. He would quote a single instance. The precincts of St. Katharine's Dock had no poor, because all the labourers who worked within them resided in neighbouring parishes. Those persons became chargeable on the parishes in which they resided, and the place in which they worked escaped from all responsibility for their maintenance in case they became chargeable on the poor rates. It might be urged that this was a matter which had not been sufficiently inquired into; but really about few subjects had there been more investigation. A Committee of the House of Commons sat in 1847 and produced a blue book containing a great amount of information on the question. In 1848 various Inspectors were sent to inquire into the matter, and during the last three Sessions a Committee had been engaged in going through the whole case. It was on the Resolutions of that Committee that the present Bill, with the exception of one clause, had been based. Very grave questions, both as regarded the law of settlement and the area of chargeability, had occupied the public mind; and no doubt those would be discussed hereafter. It would not, however, be a sound argument, that because their Lordships were not prepared to abolish the law of settlement or to adopt a system of general union rating, therefore, they ought not to make any amendment which the existing law required. Looking to the great changes which had taken place in this country—looking to the manner in which the poor moved from one part of the country to another—and looking to the popular feeling with regard to the law of settlement, he ventured to think it was better for their Lordships to make small and well-considered changes than to wait till matters grew to such a head that they might be driven to adopt some sweeping legislation, which, perhaps, might not be so well advised, and which, at all events, would not be so gradual and cautious as those measures which usually marked the progress of legislation in this country.

Moved, That the Bill be now read 2^a.

VISCOUNT LIFFORD, in moving that the Bill be read a second time that day six months, said that the candid, lucid, and able statement of the noble Lord who had just sat down convinced him that he had formed a just opinion of the measure when he came to the conclusion that it was an attack upon the English parochial system, and the first step—and by no means an inconsiderable one — towards the establishment of union rating. Poor Law legislation must be based upon the principles of political economy; but it must always be borne in mind that this was a Christian country, and that such legislation must also be founded upon principles of Christian charity. That was the wise view upon which the legislation of Queen Elizabeth was based, which succeeded the old monkish system of the relief of the poor by charity, and that was also the principle upon which the first Irish Poor Relief Act was founded, which succeeded the system of relief of the poor in that country by the indiscriminate charity of those who were very little removed above the grade of the people who received relief. But there was only one security which could be given that poor relief should be properly administered, and that was by making the area of rating so small that not only should every ratepayer know how the money devoted to that purpose was expended, but should be able to make his voice heard in case the mode of expenditure should be called in question. Both modes of relief had been tried in Ireland, and it had been found that small districts of rating worked best. The advantage of small rating districts over large ones was especially shown in the counties of Donegal and Clare. In the latter county, where the districts were large, pauperism was as 39, whilst in Donegal, where the districts were small, the pauperism was only 24½. In England, safe guards were far more needed than in Ireland for the pernicious system of out-door relief was eating like a canker-worm into the public resources. Such relief was looked upon as a right, and the natural consequence was that children neglect their parents and parents their children; unless that system were kept under strong check the result would be most disastrous and the only thing that could supply an efficient check was having small areas of rating. The effect of this Bill would be to mulct the parishes where the poor where taken care of for the benefit of those parishes where the poor are neglected, and to induce a cruel system of compulsory migrating of the poor from one parish to another, till the time had elapsed which made them chargeable to the union. Their Lordships were again called upon to stand between the House of Commons and the public interests; last year they saved a large amount of revenue, and on this occasion he hoped they would also confer a considerable advantage. Noble Lords who sat opposite had many traditions connected with their party, but they had none more honourable than that which related to the passing of the Poor Law of 1834, which saved the property of the country, and which measure they promoted in the most generous and unselfish manner, and at a great sacrifice of popularity; and he trusted they would pause before, by passing the present measure, they inflicted a fatal blow upon that useful and beneficial system they had themselves established.

Amendment *moved,* to leave out "now," and insert "this Day Six Months."

THE EARL OF DEVON said, that having been for many years connected with the Department from which this Bill emanated, he was anxious to say a few words; more especially because the Bill incorporated those principles to which he had always given a ready and cordial adhesion. He thanked the Government for having introduced it. He believed that the working of those principles must prove equally beneficial to the poor and to the ratepayers. In his opinion, the interests of those two classes could not properly be regarded as distinct. Whatever tended to raise the condition of the working classes, to secure to them adequate and just remuneration for their labour, and to mitigate the hardship which must, under the most favourable circumstances, fall to their lot, tended also, in no indirect or remote manner, to promote the interests of employers. As far as he understood the principles of the Act of William IV. and the views of its framers, he drew from them the conclusion that they acknowledged the necessity of, from time to time, introducing measures to extend the privileges of irremovability. He could not, therefore, admit that this Bill was inconsistent with the Poor Law Act, for it was only a just and equitable extension of it. The necessity for facilitating the circulation of labour from one part of the country to another had been recognized by all political economists, from Adam Smith downwards, and was one which need not now be demonstrated. There could be no question that it was of the utmost importance that the labourer should move freely from one part of the country to another, according to the fluctuations of demand and remuneration, and that after the lapse of several years he should not be liable, in the event of sickness or any accident, to be returned to the distant part of the country from which he originally came. In a very able and impressive speech his revered Friend, the late Mr. Baines, pictured in minute detail the hardship inflicted upon the labourers by their being torn from their homes and from the place where they had formed near and dear relations, to be sent to some distant parish; and as that right hon. Gentleman was never inclined to over-colour anything it could not be supposed for a moment that his statements were exaggerated. The hardship was recognized by the Legislature, and in 1846 an Act passed which introduced the principle of irremovability with respect to persons who had resided five years in any one parish. This Bill sought to extend that principle and to make it permanent. The noble Lord who moved the Amendment (Viscount Lifford) referred to the case of Ireland as an argument in favour of retaining small areas of rating. Under the peculiar circumstances of Ireland he (the Earl of Devon) had always been an advocate of the adoption of small areas in that country. Looking to all the difficulties which the new Poor Law had to encounter there, small areas were probably advantageous. If the present proposition had been to substitute a system of union rating he was ready to admit that considerable weight would be due to the argument. It might be that, on the subject of union rating, he entertained views which some of their Lordships would deem impracticable, but at present it was sufficient to say that the Bill contained nothing of so formidable a character as the abolition of the law of settlement and the adoption of union rating, and that a sound and useful measure was not prejudiced by propositions which might raise arguable points. All that the Bill did was to diminish the time and increase the area which was to confer the privilege of irremovability in certain cases; and, with regard to the poor, the benefit would be very great, not merely in diminishing the hardship of removals but in promoting a free circulation of labour. The advantage to the ratepayers was still more obvious, because instead of poor parishes being, as now, often unduly burdened, the burden would be more equally and justly distributed and the amount of litigation would be greatly diminished. The effect of the Act of 1846 was greatly to reduce that most objectionable part of the Poor Law expenditure. In the years 1843, 1844, and 1845 the amount spent in litigation was £285,000, and in 1851, 1859, and 1860 it was only £186,000. Other changes might have had some effect, but from his experience in that Department he was inclined to ascribe the greater portion of that remarkable diminution to the adoption of the principle of irremovability. By this Bill that principle would be extended, and by the diminution of time it would be easier to ascertain the correctness of any claims to settlement, and thus tend further to reduce the expense. The Bill came to them recommended by two Committees of the House of Commons, and by a majority of the Poor Law Inspectors, whose authority must be admitted, and as he believed great benefit would result to the whole community he should cordially vote for the second reading.

THE EARL OF STRADBROKE said, his consideration of the Bill had led him to a different conclusion from that of the noble Earl who had just sat down. It had been described as a measure which did not introduce union rating. That might be so, but he regarded it as a wedge which would lead hereafter to the introduction of that principle. Now, he had never objected to union rating in towns, to which this principle might perhaps be fairly applied. But this was not the case in rural districts—and, indeed, the very reverse was the fact there. At present there existed, he was happy to say, a number of parishes where the owners and occupiers of property took a great interest in their poor, and did their utmost to find them employment, and in which, when there existed a superabundance of labourers, the owners and occupiers subscribed to enable the surplus to emigrate, and thus reduced the poor rates in their respective parishes. In other parishes, however, where property was more divided, or where the owners lived perhaps at a distance, the poor were comparatively neglected, there was a want of employment, and the taxes were far heavier than in the well-administered parishes. The result of a union rating would be to punish the good administrators and to favour the neglectful. It had been said that it was the interest of owners to pull down the labourers' cottages; but such cases were extremely rare—the practice was seldom resorted to and was generally disapproved. He did not say that it was impossible to find one such case; but he believed that six cases of this kind could not be found in the kingdom. The general opinion of landowners was averse to this proceeding, and their aim everywhere was, he believed, to promote the well-being of their labourers—in truth, the general disposition of landowners was to improve the cottages on their estates, and to provide them with three sleeping rooms. No man had advocated the Bill of 1834 more than himself, from the time of its passing this Parliament he had never felt the shadow of a doubt of its great value, but he strongly objected to subsequent alterations which threw the burthen of maintaining the poor when sick on the parishes where they resided, generally adjoining those to which they belonged, and where they worked, in lieu of charging the parishes of their settlement, thus giving an uncalled for, and unfair advantage to ratepayers in parishes having few cottages—this law ought to be repealed. Feeling that the Bill would be prejudicial to the interests of the poor themselves, inasmuch as they would not be so completely employed as they now were, and believing, that it was the first advance towards a system of union rating, he should be compelled to oppose the second reading.

LORD REDESDALE said, he felt extreme regret in having to oppose this Bill, because it contained a great deal which was likely to be of advantage. At the same time he could not at present consent to pass such a measure. Those by whom it was advocated had treated it as a little Bill; but it was really a very large one, and rendered a satisfactory settlement of other questions much more difficult than before. In his opinion the changes now proposed should be considered in connection with the law of settlement altogether. He admitted that the system of settlement in the form in which it now stood must be got rid of; but by introducing this Bill a difficulty was created in the way of complete legislation. The measure introduced important alterations as regarded the burdens upon property. An illustration had been given of three parishes where the rate was very disproportionate, and the change now proposed would, without showing any sufficient grounds, make a difference at once in the value of property there equivalent in one case to the withdrawal, and in the other to the imposition of a new income tax. That was a very great change, and unless their Lordships were convinced of its justice they ought not to make it. He granted that there was an inequality which ought to be removed; but this was too violent a settlement of the question. There was hardly a union in the kingdom in which the alteration here proposed would not make a difference of 1*s.* in the pound, some gaining to that amount, and others having to pay 1*s.* more than they did at present. Suppose two men had taken two farms in different parishes on a lease, assuming the respective burdens to be the same, it would be a serious thing in the one case to increase those burdens, while in the other they were possibly diminished to the same extent. Their Lordships ought to pause before they hastily made so great a change in the value and relative position of property. They were asked at this late period of the Session to take in hand a Bill of this importance, involving the principle of irremovability and union rating. Now, if they had sent down such a Bill to the other House late in July, would the House of Commons have consented to consider it? Their Lordships were asked to pass a Bill on imperfect information, that opened large questions which it did not close, and to pass it at a period of the Session when it was impossible to give the measure the consideration its importance deserved. He should be sorry to record his opinion against the principle of the Bill; and, for these reasons, he would entreat those who had charge of the Bill not to press it.

THE DUKE OF NEWCASTLE believed this was an important and beneficent measure, which, if passed in the present Session, would cause it to be referred to hereafter as one that had produced a great public advantage. The noble Lord (Lord Redesdale) in opposing the Bill, stood in a different position from most of the other Members of the House. He said he was prepared to deal with subjects that few of their Lordships and few Members of the House of Commons were prepared to deal with—the two great questions of the law of settlement and the extension of the area of rating. That might be a valid objection to proceeding with this Bill as far as the noble Lord was concerned; but he believed their Lordships were not prepared to deal with either then, or, probably, in the next Session. Was that a valid reason why they should reject a Bill that did modify the evils of the law of settlement and paved the way for dealing with that question hereafter? The noble Lord asked if it was fair that this Bill should be sent up from the House of Commons at a period of the Session when their Lordships would have no opportunity of investigating the subject? That was a plausible argument, but there was still a fortnight or three weeks of the Session to run, and that would give ample time to consider the Bill in Committee. And any investigation of a subject of this magnitude must be made by their Lordships individually; they had great opportunities, as landowners, of considering the subject, and the advantage of reading the results of the inquiries instituted by the House of Commons, that had thrown a flood of light on the question for some years past. If any subject had been fully investigated this was one. He did not refer to the Committee appointed ten or twelve years ago, but the Committee of 1858, of which Mr. Sotheron Estcourt was Chairman. This Committee did not make any recommendations, but wished to continue the inquiry, and it was re-appointed in the following year, and again in 1860, with the present Duke of Richmond as Chairman. Thus it sat for three successive years, and its recommendations were almost precisely embodied in the present

Bill. Every enactment of the Bill was included in the recommendations of the Committee, with one exception; that was as to the mode of making the assessment for the union charge. The Committee recommended that the population should be taken into account, and, by a strange and difficult process, added to the pounds sterling. This recommendation was, he thought, judiciously avoided in the Bill. With that exception all its recommendations were followed. The noble Lord who moved the rejection of this Bill (Viscount Lifford) spoke of this as the first attempt to upset the parochial system of England, and to introduce the principle of a union rating. This was not the first attempt to upset the parochial system, in any respect whatever. That was done by the Acts of 1846 and 1848. This Bill carried the principle no further, but only altered certain details. The noble Lord spoke of the "fine end of the wedge," but that was introduced by Mr. Charles Buller; when the Bill of 1848 made the assessment for the irremovable poor chargeable to the union, instead of the parishes, the principle was initiated of which the noble Lord complained. Nothing was more unjust than the common fund now that the relief of the irremovable poor was charged on the unions. When the Poor Law was enacted the principle was just and fair; then parishes that contributed a large amount to the rates for their own poor paid a proportionate sum to the union charge. There was a reason for it. The object of the common fund was to provide workhouse accommodation for the poor of the union and the officers, and the parishes that had the largest number of poor contributed the largest share; but the irremovable poor were not the poor of the parishes who contributed the largest sum for their own poor. But those parishes were taxed, while rich parishes were exempted from a charge that justly ought to be imposed on them. There were close parishes with irremovable poor that did not contribute a single farthing to the common fund. That was not just to the ratepayers, nor was it just to the poor. In the union of Radford there were three parishes, one rated at 11*s.* and the other two at 4*s.* each, though the rateable value of each parish was almost identical and the number of irremovable poor almost the same. According to union rating each would pay alike; under the parochial system one would pay three times as much as each of the other two. It could not be contended that this was a just principle now the irremovable poor were made chargeable on the union fund. He believed the effect of the measure would be very beneficial, and tend to encourage landowners to increase the number of cottages on their property. There had really been a considerable increase since the Acts of 1846 and 1848. Although he felt that the subject was far from exhausted, he would refrain from trespassing on their Lordships' time by discussing the various points that might be raised, particularly as he knew that full opportunity for discussing these matters would be found in Committee. If their Lordships did divide he hoped there would be such a majority in favour of the second reading as would indicate the concurrence of that House with the opinion, not only of the House of Commons, but also of the boards of guardians who had been applied to on the subject, and who had responded in favour of the Bill by a majority of nine to one.

THE EARL OF CARNARVON thought that, considering the enormous magnitude of the question, and the importance of the points involved in its discussion, it was rather hard of the Government to come to that House and ask their Lordships to read such a Bill a second time on the 23rd of July. It was really impossible to understand and read all the Bills brought up to their Lordships' House at this late period of the Session. Since the 15th instant no less than ten Bills had been brought into their Lordships' House, of which five were brought up from the House of Commons only on the previous evening. He understood that there were absolutely Bills in Government offices which had not yet been laid on the table of the other House of Parliament. He was sorry that his noble Friend the Chairman of Committees had not moved the Resolution which he had been accustomed to move in previous Sessions. He thought that Resolution was a very useful stimulus. Although he was not prepared to give his determined opposition to the provisions of the Bill, he did not think their Lordships should be called upon to deal with a question of such magnitude and importance at so advanced a period of the Session, and he hoped the Government would not persevere with the Bill.

On Question, That ("now") stand part of the Motion? Their Lordships *divided:* Contents, 40; Not-Contents, 31; Majority, 9.

CONTENTS.

Westbury, L. (*L. Chancellor.*)

Newcastle, D.
Somerset, D.

Ailesbury, M.

Airlie, E.
Caithness, E.
Chichester, E.
Clarendon, E.
De Grey, E.
Devon, E.
Granville, E.
Harrowby, E.
Minto, E.
Nelson, E.
Saint Germans, E.
Shaftesbury, E.
Spencer, E.

Eversley, V.
Stratford de Redcliffe, V.
Sydney, V.

Carlisle, Bp.
London, Bp.

Boyle, L. (*E. Cork and Orrery.*)
Dartrey, L. (*L. Cremorne.*)
Denman, L.
De Tabley, L.
Elgin, L. (*E. Elgin and Kincardine.*)
Foley, L. [*Teller.*]
Fortescue, L. (*V. Ebrington.*)
Harris, L.
Heytesbury, L.
Llanover, L.
Lyveden, L.
Overstone, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Portman, L.
Rivers, L.
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Wodehouse, L.

NOT-CONTENTS.

Cleveland, D.

Bath, M.
Salisbury, M.

Bathurst, E.
Beauchamp, E.
Carnarvon, E.
Derby, E.
Malmesbury, E.
Powis, E.
Shrewsbury, E.
Stradbroke, E.

Dungannon, V. [*Teller.*]
Lifford, V.
Melville, V.

Chelmsford, L.
Churston, L.

Colchester, L.
Colville of Culross, L.
Delamere, L.
Dunsandle and Clanconal, L.
Egerton, L.
Kingsdown, L.
Lovel and Holland, L. (*E. Egmont.*)
Polwarth, L.
Raglan, L.
Redesdale, L. [*Teller.*]
Saltoun, L.
Silchester, L. (*E. Longford.*)
Tredegar, L.
Tyrone, L. (*M. Waterford.*)
Wynford, L.

Resolved in the *Affirmative;* Bill read 2^a accordingly; and *committed* to a Committee of the Whole House on *Thursday* next.

NAVAL MEDICAL SUPPLEMENTAL FUND SOCIETY BILL.

SECOND READING.

Moved, that the Bill be now read 2^a.

LORD CHELMSFORD said, that his attention had been called to this subject that afternoon by a petition from some widows of naval medical officers, which he had declined to present because he thought that the petitioners asked for some concessions to which they had no claim. There were, however, some things for which they were anxious, which perhaps the noble Duke might be disposed to concede. One was that a trustee of this fund should be appointed to represent their interests; and the other that it should be understood—as he believed was the case—that the Admiralty would under this Bill have power to increase the pensions of medical officers, if the fund would bear it, to an amount above £26 13*s.* 4*d.*

THE DUKE OF SOMERSET said, that he was anxious to do all he could to satisfy the wishes of the annuitants, and at the same time protect the public interests. He would communicate with the noble Lord, and see what arrangement could be made to secure those objects.

LORD CHELMSFORD felt very much indebted to the noble Duke for the answer which he had given.

Motion *agreed to.*

Bill read 2^a, and *committed* to a Committee of the Whole House on *Friday* next.

ECCLESIASTICAL DILAPIDATIONS BILL.

BILL PRESENTED. FIRST READING.

THE BISHOP OF LONDON rose to call the attention of the House to the subject of ecclesiastical dilapidations. He said he was extremely unwilling to trouble their Lordships at that hour with any lengthened statement, but the noble Viscount (Viscount Dungannon) having frequently asked what course the right rev. Bench intended to pursue on the subject of dilapidations, he had thought it best, even at that late period of the Session, to ask their Lordships to read for a first time the Bill he was about to lay on the Table. The subject was one of very great importance, and ought no longer to be delayed. Some apology was, no doubt, due to the noble Viscount and to the clergy for the delay which had taken place already with regard to the Bill; but that delay had in a great measure arisen from the extremely complicated nature of the subject with which they had had to deal. How complicated the subject was would be easily understood from the fact that there were no less than 9,000 residences with respect to which this question of dilapidations arose; and the number of these residences was increasing at an average of 125 every year. The last time a survey was taken there were only 6,000 such residences; but during the last twenty-five years they had risen to 9,000 in number, and there was every prospect that they would increase. Their Lordships were aware that by the common law, and by the canon law, every incumbent was bound to keep his residence in repair; but it was only by Ecclesiastical Courts that this duty could be enforced. But the state of the Ecclesiastical Courts was not such as could be desired, and this part of the law was practically a dead letter—it was almost impossible for any ecclesiastical authorities to enforce the law. The result was that, when persons had small means, there was a strong temptation to put off this duty from year to year; and it continually happened that the death of the incumbent, or his removal to another incumbency, took place before the dilapidations were repaired. The only remedy then was a proceeding at common law by an action for damages against the incumbent, if he were living, or the heir, if he were dead. A reference had to be made, and three surveyors had to be employed, one for each of the parties, and a third as referee. In different parts of the country surveyors proceeded on different principles of valuation; they took different views as to what dilapidations were, and the result was the greatest confusion and uncertainty. Moreover, when all this had been done, it constantly happened that there were no assets wherewith to defray the expense of the repairs. The successor in all cases was under the disagreeable necessity either of proceeding against persons who were often of small means, or of putting up with the loss and repairing the residence at his own expense. The property even of patrons was much diminished; it was a great hardship upon those who were appointed to benefices, and a still greater injury was done to the parish from the degeneracy in value of these incumbencies, and the lessened inducements held out to clergymen to undertake the cure, when they must make a considerable outlay, and perhaps become hampered with debt. By the present Bill power was lodged in the hands of the Bishop to insist upon the execution of necessary repairs. The machinery which it was thought most expedient to employ was already in existence—namely, the Board of Queen Anne's Bounty. In some instances a charge would have to be made upon the living, for which Queen Anne's Bounty would furnish the funds. A report from surveyors would have to be made, certifying that the repairs were properly executed. In all cases there must be a power to insist upon repairs being executed. In favour of the Bill it might be said that it was acceptable to a large body of the parochial clergy being based on the recommendations of a Committee of Convocation: but it was extremely desirable that during the recess an opportunity might be given to the Bishops, archdeacons, and rural deans, to have the subject fully discussed. It was further of the highest importance that the clergy themselves should consider what improvements might be made in the measure, in order that they might be introduced into a future Bill. He sincerely hoped that before the end of next Session this great evil might be remedied. The right rev. Prelate then *presented* a Bill for the Relief of Ecclesiastical Persons in respect of the Maintenance and Repair of Houses of Residence and other Buildings; and moved that it be read 1^{a}.

Viscount DUNGANNON said, it would afford the greatest satisfaction to the clergy to know that this Bill had been laid upon the Table of the House, not with a view of progressing further with it this Session, but of giving them an opportunity of considering its details, and considering what further or other remedies might be applied to the case. The subject was one which very strongly required legislative interference, and personally he begged to express himself highly indebted to the right rev. Prelate, for the great trouble and pains he had taken in preparing a measure which, if it remedied the evil, would earn for him the gratitude of the clergy.

Lord REDESDALE asked out of what fund the expense of the machinery for working the Bill, such as the surveyors and other officers, would be defrayed?

The Bishop of LONDON said, that a fund would have to be raised in each diocese, for which it was intended that the archdeacons and rural deans should arrange, by means of an assessment on the value of the several benefices.

The Bishop of CARLISLE thought that certain cases of dilapidations which were omitted ought to be included in the Bill, and that there would be a difficulty in defining what were ecclesiastical dilapidations. He felt that thanks were due to the right rev. Prelate and his right rev. brethren of the province of Canterbury for the pains which they had taken, and he hoped that in the next Session a satisfactory arrangement would be made.

Motion *agreed to.*

Bill read 1^{a}.

House adjourned at a Quarter before
Nine o'clock, till To-morrow,
Eleven o'clock.

HOUSE OF COMMONS,

Tuesday, July 23, 1861.

MINUTES.]—NEW WRIT ISSUED.—For Andover, *v.* the Right hon. William Cubitt, Lord Mayor of London, Manor of Hempholme.

INLAND REVENUE BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER said, he would withdraw Clause 57, which might possibly admit of some modification.

Clauses 58 and 59 *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER said, that Clauses 58 and 59 would complete the first Bill, but he wished to make some explanations with regard to the clauses relating to the land tax, which had passed through inadvertence. He thought the Committee would agree that the clauses would prove useful; but if any hon. Gentleman wished to enter into discussion upon them, he would move that the Bill be recommitted for that purpose. The Committee would be aware that every parish was charged with a fixed quota of land tax, and also that in almost every parish there was a great increase in the value of property. That gave rise to a difficulty, because in parishes where the property was large and the quota small it was hardly possible to express the amount by a rate, and a considerably larger sum had to be raised than was necessary for the payment of the year. In these cases the money was not collected annually but periodically, and held over to meet the annual payments. It was obvious that that was inconvenient, and that it would be very desirable to provide a simple and efficient machinery, by which facilities should be given for redeeming the tax. That, however, was not the object of the clause, and it might be said that these were exceptional cases. But there were many parishes which were largely increasing in value, which could not be considered exceptional, and the operation of the law was very inconvenient as regarded them. In these cases a surplus was raised each year over the quota, and by the Act of 6 George IV. it was provided that that surplus should be held over and paid in aid of the assessment of the next year. That gave rise to great inconvenience. It necessitated a minute examination of the collections, and in many cases it was impossible to obtain a satisfactory result. Taking the parish of Brixton, for instance, it was found that the assessment between 1828 and 1855 collectively exceeded the quota by £30,201.

LORD HARRY VANE: In whose hands do those sums remain?

THE CHANCELLOR OF THE EXCHEQUER: In the hands of the collectors; but he made no charge against any one—the fault was in the system. What was proposed was to provide a means of legally, certainly, and rapidly, applying the surplus to the redemption of the tax. In the first place, the surplus land tax in every parish was to be paid to the Receiver General of the Inland Revenue, and by him into the Bank of England to the credit of the Commissioners for the reduction of the National Debt to the land tax account, and when the amount standing to the credit of any parish was sufficient for the redemption of such tax the Commissioners were to certify the fact in the proper quarter. He would not give an unjust description of the scheme if he were to say that, without interfering with the discretion of the Land Tax Commissioners, or the local machinery with respect to assessment and collection, the effect of it would be to make the Board of Inland Revenue responsible for the management of those surpluses, for their due recovery, and for their application in redemption of the tax. Any remarks that hon. Gentleman had to make might, he thought, be very properly made when the Bill was recommitted.

MR. HENLEY said, it was a matter for much consideration whether the present holders of property ought to pay, however small, any sum for the redemption of the land tax for the benefit of their successors. He was afraid that if the proposed machinery were set up, the collector would be bound to be much more minute and troublesome in his collections than he was at present. He wanted to know, supposing an estate were divided, and the land tax to be apportioned among the separated portions, who was to have the power of apportioning it?

LORD HARRY VANE said, that the object which the Bill sought to effect was a very desirable one. He believed that within each parish there was a power of re-apportioning the land tax. If the Bill should come into operation, he did not think that the Land Tax Commissioners were quite capable of giving effect to its provisions, and he thought that a permament officer should be appointed who should attend to the different interests involved under the Bill.

MR. BARROW said, that it appeared to him very desirable that when there was a surplus it should be duly accounted for, and employed in the way proposed by the right hon. Gentleman the Chancellor of the Exchequer.

SIR WILLIAM JOLLIFFE said, that according to the plan of the right hon. Gentleman the Chancellor of the Exchequer those who had redeemed their land tax would have no benefit at all. He approved of the object of the measure, but the question was whether the mode proposed was the best and most equitable in which to accomplish it. He thought the proper course would be to have a Select Committee previous to legislation.

THE CHANCELLOR OF THE EXCHEQUER said, he must admit there was great weight in the objection, that the collection of the tax, where only small sums were to be collected, might be unduly pressed. At the same time, he thought the general conduct of the Commissioners of the Inland Revenue did not expose them o that charge. It would be observed that he did not propose to meddle at all with the present machinery of the collection—it was only a plan to take care of the surplus after it was collected.

MR. SOTHERON ESTCOURT reminded the Committee that at present the collection was made without any public charge, the collectors considering themselves reimbursed by holding the balances. If the plan were adopted all the collectors must be paid. He thought the clause would create a great deal of difficulty throughout the country, and upon the whole it would be better that the Bill should be re-committed.

MR. HENLEY said, he wished to ask one question. Suppose a gentleman had been paying in surpluses for twenty or thirty years, and then proposed to redeem the land tax, would he get any benefit from the surpluses?

THE CHANCELLOR OF THE EXCHEQUER said, he would in this way—when the surpluses had reached a certain sum the land tax would be reduced to that amount, and of course it would be reduced in the case of each landholder.

MR. NEWDEGATE said, he would beg to ask what would be done with the surpluses while they were accumulating, and further, whether it was to be left to the discretion of the Commissioners when the redemption would take place?

THE CHANCELLOR OF THE EXCHEQUER: The surpluses would remain in the hands of the National Debt Commissioners. The point at which redemption should take placed was fixed in the Bill.

Clause 37 (Proceedings for enforcing payment of succession and legacy duties),

MR. BOVILL complained that the power of appeal on the assessment of the tax was too narrow.

MR. PHILIPPS said, there was nothing in the Bill of a mitigatory character. Everything pressed against the landed interest. It seemed as if the right hon. Gentleman was animated with a feeling of animosity towards the landed interest.

THE CHANCELLOR OF THE EXCHEQUER said, he had no objection to the Amendment of the clause to meet the objections of the hon. and learned Member for Guildford.

MR. HENLEY asked what was the necessity for this clause, and why the law should be made more stringent than it now was? He should like to know what inconvenience the Crown had sustained by the law as it now stood?

THE SOLICITOR GENERAL said, that the clause would substitute a simple and cheap process for the cumbrous and expensive one of proceeding by information, as at present, and would be beneficial not to the Crown only, but to the payers of the duty.

MR. BOVILL proposed the insertion of words by which the power of appeal would be given both for and against the Crown, as the case might be.

THE SOLICITOR GENERAL said, it was not intended to take away the power of appeal, and, therefore, he would consent to introduce words into the clause which would secure that object.

Mr. BOVILL also proposed the insertion of words which would make the Crown liable on the cost of proceedings where proceedings against any party were discharged.

Words *added.*

On the Motion that Clause 37 of the Bill as amended stand Clause 1 of a second Bill,

Mr. WALPOLE said, when the succession duties were first introduced the right hon. Gentleman intimated his intention to introduce a law to extend the principle of the Act to corporate property. But nothing more had been heard of such a Bill. His own opinion was that it was not right an exception should be made in favour of any property, and, therefore, he wished to ask his right hon. Friend what were his intentions in regard to the matter?

The CHANCELLOR of the EXCHEQUER said, it was true that when he was a member of the Earl of Aberdeen's Government he had stated his intention of considering the propriety of subjecting corporate property to duty. He was not able to consider the subject before leaving office. The question was taken up by his successor, but it was thought the sum likely to be realized was too small to justify action on the part of the Government. It was calculated that not more than £5,000 a year would be got from a duty on corporate property, and, therefore, the matter was not pressed. He was not quite satisfied that so small a sum would be derived from corporate property, but he had not been able to turn his attention sufficiently to the subject to arrive at any definite conclusion. He fully admitted the principle, however, that corporate property ought to be subject, in common with other property, to the payment of duty.

Sir WILLIAM JOLLIFFE said, the longer the discussion lasted the more he was satisfied of the impropriety of going on with legislation at that period of the Session. The succession duties had been in operation for nearly ten years, and there ought to have been an inquiry into their operation. His own opinion was that they operated most unjustly and unequally. He urged that the proposal should be withdrawn—that next Session an inquiry should be made both into the operation of the law and into the state of corporate property, with a view to taxation, and then to legislate with a mature consideration of the whole matter.

Mr. NEWDEGATE said, that the right hon. Gentleman must feel the difficulty of taxing corporate property, for how could they assess the value of successions on property which never lapsed? If taxed at all, he thought the tax must operate like the land tax. All which had passed convinced him that he was right in opposing the original Bill.

Motion *agreed to.*

Clause 38 (Certain provisions in 22 & 23 *Vict. c.* 21, relating to summary proceedings in England. to extend to Ireland),

Mr. SOTHERON ESTCOURT asked whether the succession duties clauses were to form one Bill?

The CHANCELLOR of the EXCHEQUER stated that it was intended to have three separate Bills, of which the clauses under discussion relating to the legacy and succession duties were to form one.

Mr. SOTHERON ESTCOURT asked whether it was intended to read the new Bills a second time?

The CHANCELLOR of the EXCHEQUER said, the next stage of the Bills would be the Report.

Mr. SOTHERON ESTCOURT said, it no doubt might be argued that the principle of all these three Bills was discussed when the Inland Revenue Bill was read a second time; but he thought the course proposed to be taken a very inconvenient one.

Sir JOHN PAKINGTON observed that the course they were taking was a most unusual and highly objectionable one. He should like to hear from the Chairman whether there were precedents for such a course, and, if so, he should like also to know whether there were good reasons for following such precedents on that occasion. Clauses were to be submitted to them which made very important changes in the Succession Duty Act, and they were told that the next stage would be the Report. He asked whether it was fair to introduce a Bill of that nature at the end of the Session? Financially the Succession Duty Act was a failure, as it deserved to be, and it was detested by the country; and now they were asked at that period of the year to pass a new Bill on the subject.

Mr. MASSEY said, that the Committee was acting in pursuance of the instructions of the House to divide the Bill, and it was not proper for the Committee to question those instructions. The course taken was not without precedent. In consequence of the instruction of the House to the Committee to divide the Bill into one or more Bills; he had referred to the course of proceedings, and he found distinct precedents on their records. In pursuance of those precedents he had ventured to take the liberty of guiding the Committee.

MR. AYRTON said, he was surprised to hear right hon. Gentlemen opposite question the power to divide Bills in Committee, when that was the very course they themselves recommended in the case of the paper duties.

MR. SOTHERON ESTCOURT said, they were not disputing the power of dividing the Bills, but the way in which it was proposed to be done. That point, however, had been decided from the Chair, and he had only to ask whether the Bills would afterwards go through their stages, as if they had been introduced as separate Bills?

THE CHANCELLOR OF THE EXCHEQUER said, he would remind the Committee that the Resolutions on which these clauses were based were passed on the 28th of June, and that they had been delayed only that hon. Members might have a full opportunity of considering them. No objection was taken to the Resolutions when they passed, and it was not necessary, therefore, to go back to the earlier stages to discuss the new Bills. He wished to remind the Committee that he was not responsible for the division of the Bill, which was done in consequence of instructions from the House, in order that the House of Lords might have an opportunity of giving its attention to each of the subjects separately.

SIR JOHN PAKINGTON said, he did not question the right to divide the Bills, but he doubted the propriety of dealing with subjects so delicate at that period. He would, therefore, take the sense of the Committee as to the propriety of proceeding further.

THE CHANCELLOR OF THE EXCHEQUER said, the whole object of the present clause was to extend to Ireland certain provisions that had been found to work well in Scotland in the collection of the duties. When they came to the clause relating to the succession duties that would be the proper time for the discussion which his right hon. Friend wished to raise.

SIR HUGH CAIRNS said, his right hon. Friend did not propose to oppose the present clause, but he objected to going on with the Bill, which in the 40th Clause reversed a decision of the House of Lords.

MR. HENLEY said, they were getting into position in which he had all along expected they would find themselves. The Resolutions on which the present clauses were founded passed through the House without discussion. At the end of the Session they saw an Omnibus Bill brought into the House, and before they knew what they were about it was proposed to make two or three tax carts out of it. He was afraid that at that period of the Session they would hardly be able to pass these measures in a satisfactory shape.

MR. NEWDEGATE said, he wished to express his thanks to the Chancellor of the Exchequer for having so divided the Bill as not to preclude the House of Lords from dealing with it. As the House had decided to proceed, he thought the best course was now to go on, but he hoped the House would never again place itself in a similar position. At the proper time, however, he would cordially vote with the right hon. Member for Droitwich against the succession clauses.

SIR STAFFORD NORTHCOTE said, they were told when the Resolutions were passed that the right time for discussion would be when the clauses were before them. They had now those clauses before them, and he hoped no more time would be lost in discussing the present clause, which was of comparatively little importance, and that they would proceed without delay to take up the clause relating to the succession duty, which really was of vital importance.

Clause 38 *ordered* to stand a clause of the new Bill.

Clause 39 (No return of Probate Duty to be made for voluntary Debts),

THE CHANCELLOR OF THE EXCHEQUER explained that the clause taken in connection with the Amendment upon the paper had had for its object to render liable to probate duty voluntary debts to be paid upon the death of the person who contracted them, or payable under any instrument which should not have been *bonâ fide* delivered to the donee three months before the death of such person. Debts contracted as portions for younger children or by way of marriage settlement were not considered "voluntary debts" in law, but debts for a consideration, and were, therefore, not included within the operation of the clause. What they wished to touch was debts contracted for the purpose of evading the probate duty. The term "voluntary debt" was, therefore, confined to two cases—one where it should be expressly payable on the death of the person who had contracted the obligation, and the other where it should be payable under an instrument which had not been delivered during the lifetime of the deceased. In order to secure *bonâ fides* in the case of an instrument, it was required that the instrument should be delivered three months before the death of the person who had contracted the obligation.

Mr. BOVILL said, the effect of the clause would be to tax a residuary legatee for property that had actually gone to another. The object of the clause was to prevent evasion of the payment of duty. That object should, therefore, be clearly explained. He proposed that the words to be added should be "any voluntary debt contracted for the purpose of evading payment of the duty."

The SOLICITOR GENERAL said, the effect would be to neutralize the clause, for constant litigation would be necessary to decide what was and what was not a debt contracted for the purpose of evading the duty.

Mr. NEWDEGATE asked, whether the clause would touch property given to a son in the lifetime of a father?

The CHANCELLOR of the EXCHEQUER said, the clause had no relation to such a case.

Sir HUGH CAIRNS said, he would not oppose the clause, provided the duty were not leviable on the estate of a person who might have died after a date to be fixed by the Bill. The clause, as it stood, would have a retrospective effect where persons died twelve months back, and the duty had not been yet levied.

The CHANCELLOR of the EXCHEQUER said, that he would fix the day from which the clause should take effect for the 28th of June, 1861, when the Resolutions on the subject were introduced.

Clause as amended *agreed to* and ordered to stand part of the new Bill.

Clause 40,

The CHANCELLOR of the EXCHEQUER said, that the object of the clause was merely to give effect to what he believed to be the intention of the House in passing the Succession Duty Act in 1853. The principle upon which the Act was framed was that the duty should be paid on the whole estate that was liberated by the death of its possessor, and passed into other hands. But the House of Lords had decided judicially, though after long discussion and deliberation, that where a successor had been previously to the death of his predecessor possessed of an estate, which at the predecessor's death he was bound to relinquish, then he was only called on to pay the difference between the estate he received and that he relinquished. That decision did not, in the opinion of the Government, give effect to the intention of the House in passing the Act. As the law stood, supposing A was entitled on the death of B, his uncle, to £2,000 a year, and that A, possessing some money, bought an annuity of £2,000 upon the joint lives of himself and his uncle B, when B died A might claim to be exempt from paying the succession duty, and, according to the decision of the House of Lords he would not be liable. So that it would be in the power of persons by purchasing annuities to evade the operation of the Act. That was a state of the law which required a remedy. The inheritance into which the man came was the entire inheritance, upon which, according to the view of the Government, it was perfectly plain the duty ought to be paid. He was anxious to have the opinion of the Committee on the subject, and if they thought more time was required for its consideration, he would not press it farther at that time.

Sir FRANCIS GOLDSMID said, that the object of the clause was to repeal the effect of a decision of the House of Lords. He presumed, as the reason for introducing the clause, that the Inland Revenue Commissioners must have persuaded the right hon. Gentleman that the law, as settled by that decision, would enable persons to evade the payment of succession duties in cases in which it was contemplated by the Act that they should be paid. He contended, however, that if the clause were allowed to pass, it would cover cases which did not fall within the reasons stated by the Chancellor of the Exchequer, and in which it would be clearly unfair that the tax should be imposed. The effect of the 38th Clause of the Succession Duty Act was to impose a tax upon any person becoming entitled to property in consequence of the death of another, the amount of tax being proportioned partly to the relationship of the parties, and also to the amount of property itself. The clause, however, proposed to impose a duty not in accordance with that principle; but the effect would be to tax a man whose income increased by £500 a year to the extent of £1,000 a year; in some cases to tax a person whose income did not increase at all, and in other cases to tax a man twice on different events happening in respect of the same property. No plea founded on the ground of evasion could justify the Committee agreeing to a clause which would operate unjustly. He should move that the clause be omitted.

THE SOLICITOR GENERAL contended that it was unreasonable to make a deduction from an estate when it fell to a man because that man had been previously in receipt of an annuity, for which he had paid no tax whatever. Yet that was the decision of the House of Lords in the case of Lord Braybrooke, and in the case of the Attorney General *v.* Sibthorpe. So that if a man in expectation of a large estate, and having property of his own, used that property in the purchase of an annuity of the same annual amount as the rents of the estate and determinable when he came into possession of the estate, he was not bound to pay succession duty on the estate because he lost the annuity. That was not the rule of law with regard to the legacy duty. He did not mean to dispute the decision of the House of Lords in law; but, supposing their judgment to be right, the conclusion to which they must come was that the House had failed to express its own intention. He, therefore, hoped the Committee would not be led away by any appeal to its modesty as to interfering with a decision of the House of Lords, so as to prevent it from correcting what was after all its own mistake.

SIR HUGH CAIRNS contended that the Amendment was entirely unnecessary and very complex, and could only be applicable to whimsical and extravagant cases. At the same time, he would remind the Committee that they need not discuss the remedies for simply evasive practices, because the Act as originally passed contained the singular and remarkable clause, giving power to the Judges to assess the tax where it appeared to them that it was intended to evade the Act of Parliament. It was not either for the Government or the House to decide what their own intention was in passing the Act, but to take the plain meaning of the words. That Act was intended to tax beneficial succession, and the only definition of a beneficial interest was to consider what a man got as compared with what he lost. That was what the House of Lords had done in its decisions, and what the Government now proposed to reverse by the clause. He admitted that the legacy duty was not levied in the same way, but the reason was that the Legacy Duty Act did not make the provision that was contained in the Succession Duties Act.

MR. HENLEY said, he thought the case was a very narrow one. He would state a case which had happened in his own experience. A father gave his son during his lifetime a portion of his estate, and at his death left him the rest. He supposed the Government would not make that heir pay for the whole. But suppose the father did not give him the acres, but a rent-charge upon the acres—why should he pay in the last case more than the other? He thought a man ought not to pay for what he had not got.

THE CHANCELLOR OF THE EXCHEQUER remarked, that, notwithstanding what had fallen from the hon. and learned Member for Belfast, he must say that they were bound to legislate for whimsical and extravagant cases, because there was nothing so whimsical or extravagant that certain persons would not do to evade payment of the duty. He had listened to the criticism of the clause which had taken place, and he hoped the Government would profit from it in any future effort they might make to legislate on this subject. After what had passed, however, and in accordance with his declaration when the Bill was introduced, it was not his wish to press upon the House at that period of the Session any provisions that might be thought open to objection. He would, therefore, move that the clause be negatived; but he hoped at some future time to bring in a Bill on the subject.

Clause *negatived.*

MR. CAYLEY said, the right hon. Gentleman the Chancellor of the Exchequer spoke of bringing in another Bill. Did he mean this Session or next?

THE CHANCELLOR OF THE EXCHEQUER said, he meant, as a matter of course, next Session.

On the Motion of the right hon. Gentleman the title to the Bill, composed of Clauses 37, 38, and 39, was *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER said, he would propose Clause 15 (relating to wine licences), with the view of making it into a separate Bill. He did not anticipate any discussion.

MR. AYRTON intimated that there would be a long discussion. [*Laughter.*]

He meant that it was a long and difficult subject.

House *resumed.*

Report, That the Committee had divided the Bill into three Bills.

NEW ZEALAND.
QUESTION.

LORD ALFRED CHURCHILL said, he wished to ask the Under Secretary for the Colonies, What is the nature of the Despatches received by the last Mail from New Zealand in respect to the renewal of hostilities?

MR. CHICHESTER FORTESCUE said, the news received by the last Mail from New Zealand was hopeful, though uncertain. An entire cessation of hostilities had for the present taken place, as a season of the year had come round when they could not be conveniently carried on. The Governor was engaged in operations during this season which he hoped would lead to a general acknowledgment of the Queen's authority, but at the same time he could not speak with certainty.

SAILORS' HOMES.—QUESTION.
QUESTION.

SIR HENRY STRACEY said, he wished to ask the Secretary to the Admiralty, If it be true that the portion of the Grant voted by the House "for the encouragement of Sailors' Homes in the neighbourhood of Dockyards" has been withdrawn from the Cork Sailors' Home, on the ground that that Home was not in the neighbourhood of a Dockyard; and, if it is withdrawn, upon what principle it has for previous years been given? He also wished to inquire if there are not other instances of a portion of that Grant being continued to any other Sailors' Home or Homes not in the neighbourhood of Dockyards?

LORD CLARENCE PAGET said, that the Admiralty had thought it their duty to withhold the Grant from the Cork Sailors' Home, because, from the Report of the Commander-in-Chief on the station, it appeared not to be made use of largely by the sailors of Her Majesty's fleet. With regard to the second part of the question, he had to state that he knew of no Sailors' Home receiving a Grant which was not in the neighbourhood of a Dockyard, with the exception of the Home at Falmouth, which many sailors from the Coastguard ships made use of.

OPERATIVE MINERS.—QUESTION.

MR. KERSHAW said, he would beg to ask the Secretary of State for the Home Department, Whether he will object to recommend Her Majesty to issue Her Royal Commission to inquire into the moral and sanitary state of the Operative Miners in Cornwall and Devonshire?

SIR GEORGE LEWIS said, that he had already stated in general terms that he thought it desirable that a Commission should be issued to inquire into the state of the Miners in mineral mines; but the question was one mainly of time, and he should not wish to pledge himself as to the particular period when the Commission could be issued.

THE POLISH DESPATCHES.
QUESTION.

MR. HENNESSY said, he rose to ask the Secretary of State for Foreign Affairs, When the Papers relating to Poland will be laid upon the Table of the House? Whether the Despatch (from Viscount Palmerston to Prince Talleyrand), which contains the statement that "the rights of the Czar are incontestible," will appear with the other Papers; and, if not, whether that Despatch is authentic? And what are the reasons which influence Her Majesty's Government in withholding its contents from the House?

LORD JOHN RUSSELL said, that as the correspondence in question took place at a time when his noble Friend at the head of the Government was Secretary of State for the Foreign Department, he had found it necessary to consult his noble Friend both as to which were the papers that it would be necessary to begin with, and also as to whether it would be necessary to add any other papers. The documents referred to were contained in volumes of former years, and his noble Friend had not yet read them sufficiently to give an opinion. As soon as he had done so, no doubt he would communicate to him (Lord John Russell).

THE TURNER GALLERY.
QUESTION.

LORD HENRY LENNOX said, he wished to ask the Chief Commissioner of Works, If any plans have been prepared under his sanction for erecting a building behind the National Gallery in Trafalgar Square for the reception of the "Turner Pictures;" and, if so, whether it is in contemplation to commence the execution of any such Plans without previously obtaining the direct sanction of Parliament?

MR. COWPER said, that the improvements recently made in the National Gallery were so arranged as to aid any large plan which might hereafter be adopted for extending the building of the National Gallery to the rear over the site now occupied by the barracks and St. Martin's Workhouse. He certainly had in his possession plans showing how buildings might be extended in that direction so as to provide accommodation for all the pictures, both ancient and modern, which were now or might hereafter be under the charge of the Trustees of the National Gallery; and a single wing might at any time be built over a portion of the barrack-yard, so as to accommodate the Turner pictures; these plans were under consideration, together with other plans, and as the Government had yet come to no decision on the subject he was unable to give any information as to what steps might hereafter be taken.

LORD HENRY LENNOX said, he would now ask whether the right hon. Gentleman will give an assurance that no steps in that direction will be taken without the express sanction and authority of Parliament?

MR. COWPER said, he must entirely decline to enter into any pledge with the noble Lord. He could tell the noble Lord that he did not contemplate doing such a thing as erecting a building without the direct sanction of Parliament, but he did not conceive that the noble Lord had any right to get up and ask for a pledge that he would not do that which was very unlikely, and which was not in contemplation.

PORTO NOVO.

QUESTION.

MR. DANBY SEYMOUR said, he would beg to ask the Secretary of State for Foreign Affairs, If he will lay upon the Table of the House a Copy of any Despatches connected with the attack on Porto Novo in the month of May last?

LORD JOHN RUSSELL said, it was not his intention to lay the whole of the papers upon the Table; but, as far as the Foreign Office was concerned, if he (the hon. Member) would move for any particular despatch it would be produced.

SUEZ CANAL—GUANO.—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for Foreign Affairs, Whether Mr. Colquhoun, the English Consul General in Egypt, together with the English Consul in Alexandria and other gentlemen, have lately (on the 29th June) visited the works of the Suez Canal, and had expressed his satisfaction with what he had seen and heard there; and whether such approval is to be understood to be qualified by the condition that forced labour should not be employed on the works of the canal, and that the obligations in that respect of the Pacha of Egypt towards the Porte be faithfully fulfilled?

LORD JOHN RUSSELL said, he had seen the report alluded to by the hon. Member in a foreign newspaper, but he had received no information on the subject from the Consul General. The Consul General had informed him of his intention of visiting the canal, but had not sent any information as to the result. He would take that opportunity of answering a question which had been put to him a short time previous respecting the exportation of Guano. The question was whether the Peruvian Government had opened the Guano trade? He had received no information to that effect; on the contrary, his information was that, the late contract having expired, it was their intention to invite tenders for a new contract. What Her Majesty's Government had asked was that the Guano should be sold at a certain price, and that the trade should be opened to all nations.

THE *GREAT TASMANIA.*

QUESTION.

CAPTAIN ARCHDALL said, he would beg to ask the Secretary of State for India, Whether an inquiry has taken place into the conduct of the Officers in Calcutta that signed the Inspection Report of the *Great Tasmania*, previous to her departure from England, who were charged with culpability by the verdict of the Coroner's Inquest which sat upon the bodies of the soldiers who died on board that ship on her voyage home from India, and, if so, if he can state to the House what the result of the inquiry has been?

SIR CHARLES WOOD said, an inquiry had taken place at Calcutta, and the result was that the evidence which had been given before the Coroner's Jury in this country had been impugned in several material particulars. Before the inquiry had been instituted the Officer at Calcutta, who was in some respects responsible for what had occurred, had been removed from his command, and had not since been appointed to any other situation. The Officer in charge of the European Troops on board the vessel could only be tried by Court Martial, and that being a process by which it was deemed very little important information could be elicited it had not been adopted.

INDIAN RAILWAY STOCK.—COMMITTEE.

Sir CHARLES WOOD said, he had stated some time ago that it would be necessary for the Government before the end of the Session to take powers to raise money for railway purposes in India, in the event of the railway companies not raising sufficient funds to prosecute their undertakings. He gave notice last night that it was the intention of the Government on Thursday next to ask the House to go into Committee for that purpose, and in order that there might be no mistake as to the object of the Government, he gave notice that the Committee would sit to consider the propriety of authorizing the Secretary of State for India to raise money for railway purposes. He found, however, that the words of his notice differed from those under which money for the same object had before been obtained, and that the proposed stock might suffer a consequent depreciation. He therefore moved that the Notice which he had given should be discharged; and he had to inform the House that he would, as the first business on Thursday evening, bring forward a Resolution on the subject. He wished to make this alteration in the notice publicly, because although it was a change in the form the substance was identically the same as that of the previous notice. It was most desirable the stock so raised should be of the same nature as the old stock.

Order *discharged.*

PUBLIC EMPLOYMENT (INDIA).

RESOLUTION.

Colonel SYKES said, he rose pursuant to notice, to advocate the expediency of enabling British subjects born in India to compete on the same footing as other British subjects for public employment under the Crown. Previous to 1833 very little attention had been paid to education in British India, but a clause having been inserted in the 3rd and 4th William IV., to the effect that no Native of India, or any natural-born subject of His Majesty, should, by reason only of his religion, place of birth, or colour, be held to be disabled from holding office under the East India Company, a great stimulus was given to the Natives of India to fit themselves for public employment. Schools were accordingly established throughout the country and subsequently cottages were founded, and in 1845, when Lord Hardinge was Governor General, there were under the Government of Bengal no less than fifty-one educational institutions. In that year Lord Hardinge issued a Proclamation, in which it was set forth that in every possible case a preference would be given in the selection of candidates for employment in the public service to those who had been educated in the institutions thus established. Numbers had flocked to the schools and colleges throughout the country, stimulated by that assurance, and they did find employment. In 1854 three Natives of Bengal were sent to England by the Government to be educated at the London University. One of them, Chuckerbutty, carried away the gold medal from all competitors, and was now physician to the medical college at Calcutta. Others trod in his steps at their own expense or that of their relatives. Ten students came over from Madras, and three from Bengal, all of whom obtained their degrees in medicine and their diplomas in surgery, not to speak of other honours, and, as rewards for their professional acquirements, were appointed by the Directors of the East India Company to their regular gradation Military Medical Service as assistant surgeons, and can, therefore, rise with their European brethren to the highest grades of the medical service. Such was the state of things when the Act of 1858 was passed transferring the Government of India to the Crown, and when Her Gracious Majesty declared in a Proclamation that it was her will, as far as might be, that all her subjects, of whatever race or creed, should be fairly and impartially admitted to offices in the Royal service, the duties of which they might be qualified by their education, ability, and integrity faithfully to discharge, and to give the Natives the means of reaching the highest intellectual *status*, Universities were established in Bengal, Madras, and Bombay, with the usual facilities, curriculum and professional staff, and with power to confer degrees. Last November the Indian students in England saw an official advertisement that on the 18th of February there would be a competitive examination for the office of assistant surgeon in the Royal Army. Those who considered themselves qualified made the necessary application at the War Office, and were all appointed to go up for examination at the period specified in the advertisement. They even got tickets of admission, but two days before the examination they received a communication from Dr. Gibson, Director General of the Medical Department, requesting them to call at his office. They obeyed, and were informed that for the future all employment in Her Majesty's medical service would be for general service, and not for local service in India, and that consequently they could not be allowed to compete. Equally astonished and disappointed they remonstrated, calling attention to the fact that many Natives were now in the regular medical service of the Crown in India, but their remonstrances were in vain, they were told that such was the decision; but how that decision arose at the eleventh hour he (Colonel Sykes) could not say. Matters remained in this state until he presented a petition from Dr. Thompson, one of the rejected candidates to the House, in which he complained of the injustice, of his prospects being blighted, and the very large sum he had expended upon his education in India and England being wasted. In consequence of this petition and of the question raised by him in that House it was decided to send two of the candidates—Dr. Thompson and Dr. Goodall—before a medical board, consisting of Dr. Gibson, Dr. Liddle, and Sir Ronald Martin. These gentlemen reported in general terms that it was their deliberate opinion, founded on experience, that the Native and mixed races of India and other tropical countries would never be able to sustain for any length of time the climate of our northern regions; and they added that Dr. Thompson and Dr. Goodall, though without any marked bodily defect, were constitutionally unfit for service in the various climates in which the British army was called upon to serve. Now, the fact was that Dr. Goodall was not an Asiatic, for his father was an officer in the army, and his mother was a daughter of an half-caste; so that he was three-fourths European. He was sent home in childhood, and had lived nine years in Scotland, where he was educated without his heath suffering in the slightest degree from the climate. Dr. Thompson, similarly, had passed the last winter in England, one of the most severe experienced for many years past, without a day's illness. He (Colonel Sykes) would beg to read to the House an extract from a letter addressed to him by a general officer of the name of Fraser residing at Pisa, a perfect stranger, but who had read an account of Mr. Thompson's case in the public papers. He stated that he had formerly commanded the 78th Highlanders, and had for many years in the regiment four Natives of tropical climates, and they were amongst the healthiest men in his regiment. If Indians were to be refused public employment, on the ground that they were unfit to serve in cold climates, the same objection should exclude from the service of the Crown the sons of civil and military servants born in India. Moreover, if Natives were not to be employed in cold climates on account of their health breaking down, there is sad experience that European troops should not be sent to a tropical climate for the same reason. But he altogether discarded the question of colour or race; he called upon the House to affirm the principle that Her Majesty's subjects, whether black or white, or of any intermediate hue, were entitled to the civil rights of other British subjects. The injustice done in excluding these Natives of India from competition for employment in the public service was not confined to the candidates themselves. He had a letter from the father of one, and who was also the uncle of another of these gentlemen stating that he had been ruined by sending his son and nephew to England, on the faith of an Act of Parliament and the Queen's Proclamation. It had cost him from 10,000 to 12,000 rupees, and he could not believe that a British Parliament and a British public would give their consent to a wrong so flagrant. If Natives of India were admitted to compete there was no necessity to send them to Canada or other cold climates. As a mere question of humanity, it was necessary to have acclimatized persons as medical officers to the European troops in India, because tropical diseases could only be successfully treated by those who had acquired considerable experience with regard to them. Ten per cent of the strength of English regiments sent to India died within the first year after arrival, chiefly from a want of knowledge on the part of the surgeons who had accompanied the regiments from Europe as to the treatment of tropical diseases, and as they acquired that knowledge the percentage of deaths fell to 7, 6, 5, and even less per cent annually. On the ground, therefore, of humanity, they should have a permanent medical service in India, thoroughly acquainted with and competent to deal with tropical diseases. He looked with some anxiety to the consequences of disappointing the expectations which had been held out to the Natives of India? We were spending £279,000 a year in educating the people of that country, and with what object? Attaining a high intellectual standard, and feeling that they had the rights of British subjects, it was fatuous to believe there would not be discontent, disgust, and resentment, if the Natives were debarred from serving the Crown anywhere, or if confined to India, that their progress was limited to subordinate rank and paltry salaries of a few pounds per mensem. They would look forward as they had a right to do, to gradation rise in the service of the Crown, and it was his earnest hope that the Secretary of State for India would make such arrangements as would open to the Natives such a system of gradation rise in the medical and other services of India. He asked him to fulfil to the Natives those promises which were held out to them by the Act of Parliament and the Queen's Proclamation. He begged to move the Resolutions :—

> "That on all occasions when Candidates are invited to compete for public employment under the Crown, British Subjects born in India should be allowed to compete on the same footing as other British Subjects."

MR. LAYARD said, he rose to second the Motion. The question was one of very great importance. It was twofold, first whether or not the subjects of Her Majesty the Queen, born in India, should be allowed to compete for employment in the public service, and, secondly, whether the good faith of this country should be maintained. He had presented a Petition from one of these gentlemen (Mr. Colah) belonging to that race who chiefly devoted themselves to mercantile pursuits, and were amongst the most intelligent and industrious of the people in India—the Parsees. That gentleman came to England with the object of competing for the medical service of the army. He passed the College of Surgeons in London, and the College of Physicians at Aberdeen, but when he presented himself for the competitive examination amongst the candidates for employment in the army he was told that, being a Native of India, he could not be allowed to compete. He remonstrated, and the War Office so far gave way that they said they would allow him to compete if he chose to serve as an army surgeon at Sierra Leone. He replied, with great dignity, that he was prepared to take service in any part of Her Majesty's dominions to which his duty might call him; but that he declined to compete if any conditions not authorized by the usual regulations were attached to his employment. It was no use talking of the constitutional unfitness of Natives of India to serve in northern climates; they might as well restrict the competition of Europeans for service in India because Englishmen were known to complain of their livers there. In the Queen's Proclamation the words were most distinct. There was no qualification as regarded race, colour, constitution, or anything else. Every subject of Her Majesty going up to compete had a right, if successful, to be employed in the public service. But the excuse of incapacity from constitution to serve in northern climates did not hold good, as Parsees were settled in all parts of the world, and enjoyed perfectly good health. It was said that medical gentlemen of colour would not be employed by Englishwomen. His experience did not lead him to adopt that view; even the Turks made no distinction of colour, and he had known negroes high in the Turkish public service. But there were cases of gentlemen who had not been allowed to compete for the medical service in the army because their great-grandmothers happened to have a tinge of Indian blood. There was the case of Dr. Thompson, who claimed to be as good a Scotchman as any beyond the Tweed. His mother was an European, but his great-grandmother had a tinge of colour, which was sufficient to exclude him from competition. There could be no doubt that a distinct promise had been held out to the Natives of India, and he would ask whether it was just or politic to depart from that promise? One gentleman had expended between £600 and £700 in educating himself and coming to this country to qualify himself to compete, and when he complained on being rejected, he was offered £200. Another gentleman, a Brahmin, said he was a ruined man; he had lost his caste by coming to Europe, and could not be received again by his family. The young Brahmins gave as a reason for not seeking to acquire European knowledge that, if they came to England they gave up their caste in India, while they were not received here upon the same footing as Englishmen. Such policy was calculated to do much mischief, and he hoped the right hon. Gentleman the Secretary for India, who was, he believed, sincere in his desire to improve the condition of the Natives of that country, would use his best efforts to do justice to the gentlemen whose case they were now considering.

Motion made, and Question proposed, "That," &c.

MR. T. G. BARING did not yield to either the gallant Colonel or to the hon. Member for Southwark in his wish for the education of the people of India, but this question was not connected with that subject. The second part of the Motion before the House was simply a censure on the Secretary of State for War for having prohibited certain gentlemen, Natives of India, from competing for the office of assistant surgeon in the regular army. This was not a question of employment in India, but of employment in all parts of the world. The ground for the prohibition was a letter addressed to the Secretary of State for War by the Secretary of State for India, in which he said that Natives of India were unsuited for the general service of the British Army, and that they ought not to be permitted to compete for the office of assistant surgeon in that army. If they were admitted they might be sent to parts of the world where their health would fail them, and at an early age they would be thrown upon the half-pay list. There were also two or three gentlemen as to whom there was a doubt whether they should be considered Natives of India; those cases were referred to three most eminent medical men—Sir John Liddell, Sir Ronald Martin, and Dr. Gibson—who described them as men of colour with Asiatic features, and said that, although there was nothing to preclude them from employment in a tropical climate, yet they were constitutionally unfit for service in various northern climates where the British Army was called upon to serve. Was it possible, in the face of that opinion, for the Secretary of State for War to allow these gentlemen to compete for the general medical service of the army? He did not think the House could agree in the first part of the Motion of the hon. and gallant Member, which was one of the most abstract ones which had ever been brought forward. It pledged the House in effect to this among other things—that Natives of India should be entitled to compete for the Artillery and Engineers. If that Resolution were carried the result would be that persons notoriously unfit by constitution for the general service of the army would be admitted into the scientific branches of the army. With regard to the recent Proclamation, it was to be recollected that it was issued in India and addressed to the Natives of that country; it obviously referred to the employment of Natives of India in India, and by no twisting of it could it be made to apply to the general service of this country. He, however, admitted that the case of these gentlemen was a distressing one. In 1853, the medical service of India was open to public competition by Act of Parliament, but last year, in consequence of the amalgamation of the two armies, the Secretary of State for India thought it no longer necessary to keep up a separate medical service for India. Those who before the change had prepared themselves to compete for that service were allowed to compete in certain cases for the general medical service, but those who were constitutionally unfit for it were excluded. It appeared, however, from the papers before the House, that the Secretary of State for India, in Council, had taken steps to secure for the Native gentlemen who had thus been disappointed in their expectations suitable employment in India, and had allowed them a sum to defray the cost of their passage to that country. Upon these grounds he hoped the House would not agree to the Motion.

MR. J. B. SMITH said, it appeared the real reason why these gentlemen were rejected was that they had Asiatic features. He would ask the hon. Gentleman if there never had been a Member of that House who had Asiatic features? These gentlemen were British subjects, and there was nothing to prevent any one of them sitting as a Member of that House if any constituency chose to elect him. In fact they had had an East Indian a Member of that House, Mr. Dyce Sombre. It appeared to him that the Proclamation of the Queen was a delusion. It was a disgrace to the Government that that Proclamation, which was received with such delight in India, was not honestly carried out. As to Asiatics not being able to serve in a cold cilmate, they were much more able to do so than Englishmen were to serve in India.

Captain JERVIS said, that he did not believe that the frame of an Asiatic was calculated to endure the inclemency of many of our colonies. He should have no objection, as an officer, to mix on brotherly terms with the Natives of India; but he doubted whether the English private soldiers would allow a "dark skin" to command them in this country. There was a way, however, of giving employment to Native Indians through which they might attain eminence and considerable positions. Every branch of service in India required extending, and by inducing Natives to come over and study for the Medical Service much good might be effected. But after the statement which had been made by the hon. Gentleman opposite (Mr. Baring) he trusted that the hon. and gallant Officer (Colonel Sykes) would not press this question to a division.

Colonel SYKES said, there was at that moment in the north-west province a deputy collector who was educated in St. Petersburg, and made an officer of artillery there, which showed that the Russian Government was more liberal than ours was. With regard to the Natives of India being incapable of serving in cold climates, if his hon. Friend were to look to the mortality of the Guards in London, he would find that no Natives could suffer so much as did the Guards. He found that out of 1,333 total deaths from all causes, 668 were from consumption, and 350 were invalided from the same cause. Was there anything that the Natives of India could fall into equal to that? He should not trouble the House to divide.

Motion, by leave, *withdrawn.*

ECCLESIASTICAL LAW.—RESOLUTION.

Order for Committee (Supply) read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. DANBY SEYMOUR said, he rose to move—

> "That, in the opinion of this House, the state of the Ecclesiastical Law in England and Ireland, and of the Courts in which it is administered, and especially the Act commonly called the Clergy Discipline Act, require to be amended and reformed, and that it is incumbent on the Government to direct a measure to be prepared for that purpose."

He had to express his regret that the Secretary of State for the Home Department had refused him certain Returns on the ground that they would entail too much trouble upon the officers of the Diocesan Courts. He had asked for Returns respecting the Ecclesiastial Courts, and respecting the fees paid; and he should have thought that there would be no objection to give the Returns, but he was surprised to find them refused. He had, therefore, obtained such information as he found accessible, and it appeared from the Report of a former Committee of that House that in two instances the office of registrar was filled by ladies; that in other cases the duties of Judges were performed by deputies; that as many as seventeen minors had been appointed registrars; that one of the joint registrars of the Principal Consistorial Court at Norwich was appointed at the age of ten years, had performed the duties of the office by deputy, and received an income of £1,427 a year derived from fees; that this gentleman refused to give any details; that in the Consistory Court of London the registrar was appointed by the Bishop of London in 1796, at the age of eight years, and received an income from fees of £904 per annum; that in the Consistory Court of Winchester the registrar, Brownlow North, was appointed by Bishop Brownlow North at the age of seven years, in reversion, and at the age of fifteen years he came into possession, with an income of £860 per annum; that the registrar of the Consistory Court at Norwich was appointed at six years of age, with an income of £85 per year; that the registrar at Llandaff was only five years old; and that the registrar at Sudbury was but three years old when appointed, the duties in both cases being performed by deputies. This was the state of things with regard to the officers, whom the Home Secretary would not compel to return the duties of their appointments and the fees they received at the present time. These fees, it should be recollected, were derived from the poor of the land. Every couple who were married paid £1 or £2 in the shape of fees, which gave a revenue of £30,000 a year, which were given to these gentlemen for the purpose of enabling them to take their pleasure while somebody else performed their duties. He maintained that it was the duty of the Home Secretary not to be so weak as to be deluded by these officers into a quiet acquiescence in their refusal to give the required returns; and if the right hon. Gentleman suffered from such a want of energy that he could not insist upon that being done he had better give up the office he held altogether. With regard to the Ecclesiastical Courts, they had been condemned by the highest authorities in this country. The ecclesiastical law constituted a system by which a body of 25,000 of the most influential persons in this country were specially governed, all cases of bad conduct in clergymen, such as drunkenness, and so forth, being brought within its operation. But the delay occasioned in the administration of that law was terrible. In criminal matters a case was usually disposed of in two months; in civil cases probably four months might be taken as the average duration; but in the Ecclesiastical Courts a case would not unusually occupy two years, as, for instance, did the case of Mr. Bonwell. Then the enormous expense occasioned to the Bishop of the diocese was ruinous, and the result was that sometimes a clergyman who was a scandal to the parish in which he officiated remained unpunished because of the difficulty of getting him removed. The late Bishop of London spent £1,500 on one occasion in trying to unfrock an unworthy clergyman. A very short time ago, when it was desired to use the name of an Archbishop in a suit against a clergyman, the Archbishop obtained a bond for £10,000 to indemnify him for costs before he allowed the use of his name. That was a very irregular proceeding, and only to be justified by the scandalous state of the law. In every well-ordered State the Judges should be bound to perform their duties themselves, and not by deputy; infants should not be promoted to responsible offices intended for persons of more advanced age and competent judgment, and sinecures should be abolished. When the Minister of the Crown knew of the existence of these things, and went on tolerating them, he could not be said to be pursuing a course creditable to the great party which supported him. The present Lord Chancellor, Lord Cranworth, the Irish Prelates in a memorandum to the noble Lord at the head of the Government, and, lastly, the Bishop of London, had all expressed opinions favourable to the Resolution which he had the honour to propose to the House, and it now only remained for him to ask the right hon. Gentleman the Secretary for the Home Department to reintroduce a scheme which had been elaborated by the genius of the present Lord Chancellor, and which it had been deemed expedient to submit to the consideration of Parliament during the pressure of the war in 1856. The Home Office had now for a long time been in a state of classic repose, and the right hon. Gentleman could, therefore, well afford to turn his attention to the subject, and fulfil his professions as a Liberal Minister.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House, the state of the Ecclesiastical Law in England and Ireland, and of the Courts in which it is administered, and especially the Act commonly called the Clergy Discipline Act, require to be amended and reformed, and that it is incumbent on the Government to direct a measure to be prepared for that purpose,'"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR GEORGE LEWIS said, he regretted he had not come into the House until the hon. Gentleman had completed the introductory part of his speech, in which he had been informed the hon. Gentlemen had complained of his having misled him with respect to some returns which he had moved for last Session. The House would, under the circumstances, perhaps, allow him to enter into a brief explanation on the subject. The hon. Gentleman had on Friday last given notice that he would ask him why the ecclesiastical returns which had been ordered by the House last July had not been laid on the Table, and he had accordingly instituted inquiry into the matter at the office o the Ecclesiastical Commissioners, believing that the question of which notice had been given referred to certain papers moved for from that office. He had, however, since the occasion to which the hon. Gentleman alluded, ascertained that he had also moved an Address for some very voluminous returns relating to the Ecclesiastical Courts, but he did not understand him in the general description which he had given on a former occasion to point to those returns. Now, the address in question was not an order on the Ecclesiastical Commissioners, and it was accordingly forwarded to the Home Office, from which a circular letter was in the usual manner written to Bishops and others who could be called upon to make returns in reply. Remonstrances had shortly afterwards been received from different quarters, stating that the returns were of so voluminous a nature that it could not be expected they would be made without payment, and requesting that intimation should be given by his department as to whether remuneration, in the event of the returns being made, would be given. Having taken the matter into his consideration, he came to the conclusion that he had no funds at his disposal which he could apply to such a purpose, and he had, therefore, caused a letter to be written to the effect that a compliance with the address could not be enforced. He took upon himself the entire responsibility of having adopted that course, and if the hon. Gentleman should deem it right to move for a renewal of the address he should be prepared to state the reasons why he did not think his demand for the information which he wanted was one to which it would be reasonable to accede. Having said thus much for the charge which the hon. Gentleman had brought against him, he had simply to observe, in reference to the general question, that he was by no means disposed to maintain that the present state of the Ecclesiastical Courts, so far as they retained any jurisdiction, was one which was not at all satisfactory. He had, he might add, no doubt that, if the time of the House were not otherwise occupied, it would be very properly employed in dealing with that question. Of course the Government, which had a great many measures to bring forward, must exercise some discretion as to the selection of the subjects on which it asked the House to legislate, and it was, he thought, quite clear that if they had in the present Session introduced a Bill for the reform of the Ecclesiastical Courts there would not be time for its due consideration, and it must eventually then for the present year be abandoned. The hon. Gentleman had correctly stated that a measure had been prepared on the subject which had been discussed in the other House of Parliament, although it had never been debated in the House of Commons. Now it was, no doubt, quite open to the Government, if they thought the question could be revised with advantage, to lay a Bill dealing with it it on the table of the House next Session. To the hon. Gentleman himself, or any other hon. Member who might wish to do so, it was equally competent to adopt that course, but it was impossible for him on the part of the Government to enter into any formal arrangement with the House as to the time when they might deem it prudent to submit a

measure of that description to the notice of Parliament.

Mr. NEWDEGATE said: Sir, I wish to tender my thanks to the hon. Gentleman the Member for Poole for the great research he has exhibited upon this subject, and for having placed in the hands of the Members of this House the speech he made last year, than which, with its Appendix and the speech he has just delivered, there can scarcely be a more valuable compendium of information on the subject before the House. The hon. Gentleman is entitled to very great credit for the perseverance he has displayed upon this question. The evils arising from the present state of the Ecclesiastical Courts have been admitted by the leading Members of the late and of the present Administration; and the Government must be aware that it is extremely painful to the great body of the members of the Church of England when they see such cases as that miserable case of Mr. Bonwell pending for years, to their disgrace, before the public. It happens that I myself have had reason to feel the utter impossibility of obtaining justice through these Ecclesiastical Courts, and I have felt that the disgrace which attaches to the Church of England is attributable to the negligence that has been exhibited by Parliament, in not enabling the Church to purify herself from the stigma that must attach to her when such cases—happily of rare occurrence—as the one to which I have referred, are kept for years before the eyes of the public. I think that the House will agree with me, that we may trace many cases of disturbance to the lax state of the ecclesiastical jurisdiction. I know well, and I have admitted it in this House, that the agitation against church rates itself originated in the reasonable feeling of the people that they were paying for accommodation which they did not receive in many of the populous districts. But the inhabitants of many parishes have felt that their refusal to pay church rates was their only means of protest against conduct on the part of their pastors which grated heavily upon their consciences. Let the House remember, too, that we have twice had religious worship Bills introduced on behalf of the influential laymen, who have been so annoyed by the manner in which the services were conducted in certain parish churches, that they came here and asked permission of the Legislature to erect for themselves chapels, wherein they and their families might meet and worship according to the rites of the Church of England, under the ministration of clergymen over whom they could have a more direct control. I rejoice that the House on each occasion rejected those Bills, for I hope never to see in the hands of the lay members of the Church of England such arbitrary control over the clergy as is exercised by some of the Dissenting denominations. I value as much as any man the independence of the clergy, and I value it because I believe it conduces, in the vast majority of cases, to the faithful discharge of their peculiar duties. Still this manifestation on the part of influential laymen is not one which we, the members of the Church of England, can with safety disregard. If it is disregarded too long, we shall see a schism in the Church of England like the schism which took place in the Church of Scotland; but in the case of the seceders attended with all the lamentable consequences that attach to the condition of the Episcopal Church in that country. Sir, that would be an evil so great that the noble Lord at the head of the Government will, I am confident, think me justified in urging the probability of this danger upon him, as a grave reason for the interference of the Legislature in the matter. Let the House look also at the other cases which have arisen. I have stated that I regard the agitation against church rates as often used as a means of expressing annoyance on the part of many parishes. Take the case of St. George's-in-the-East. There the abuses of which the parishioners complained were put down by nothing short of mob law, restrained only by the police from actual personal violence. Then take the case of the rebellion at St. Barnabas, and the conduct of the incumbent, who, after thousands of pounds and many months had been spent in the suit, repudiated the authority of his Bishop, and succumbed only to the power of the Judicial Committee of Privy Council, of which that Bishop was a member, and, therefore, the exponent. There was no respect whatever for Episcopal authority in that conduct. It is with shame and regret that I see the record of that conduct standing in condemnation of the present state of the Church of England. Then, Sir, remember the appeal which was made to a civil court in the Lavington case—I mean the application to the Court of Queen's Bench—for the issue of a mandamus. And for what purpose? Merely to enable the parishioners to obtain a hearing which the Bishop had refused, for under the Church Discipline Act the Bishop has it clearly in his power to refuse a hearing to any complaint, and he is justified in the refusal because the condition of these Courts is such, their charges are so exhorbitant, and the delay in their administration is such, that it would be actual ruin to most of our Bishops were they always to perform their duty when required by members of the Church of England within their dioceses. Well, all this is a manifest disgrace to the Church. Let the House glance next for a moment at the case of the *Essays and Reviews*. Why, Sir, the entire Episcopal bench have declared their condemnation of that work, and, in doing so, what did they manifest? They manifested the disgrace of the Church and their own impotence; because, although armed ostensibly, as they ought really to be, with judicial powers, they expressed their opinions upon that grave subject extrajudicially; and I can only think of that protestation, as I have already said, as a manifestation of disgrace to the Church, and a confession of impotence on the part of the Episcopate. The Bishops have, indeed, before told us that judicially they are impotent. As the hon. Gentleman the Member for Poole has stated, they are helpless. Their incomes have been so reduced that it is totally impossible for them to bear the expense of performing their disciplinary and judicial duties at the enormous expense entailed by proceeding in their own Courts. Far be it from me to wish that any arbitrary or uncontrolled power exercised without the checks and safeguards incident to a fair trial in the presence of a competent bar, and with all the due process of open justice, should be placed in the hands of the Bishops of the Church of England, however much I may respect them. For, Sir, it is the peculiar characteristic of the Church of England, that she is united with the State by a bond which secures the emoluments and temporalities of the clergy. The position of the Church is that she is not subordinated, but is coordinate with the State in her obedience to the supreme power of this realm. And I hope that in any measure which is introduced upon this subject the characteristics of the Church of England as a branch of the Catholic Church, and at the same time as a national Church, will be borne in mind, and that we shall see no proposal made for vesting in the Bishops an arbitrary power such as that which has been generated by and has increased the abuses which have crept into the Church of Rome, but that we shall see a measure introduced by which, whenever any grave and well-founded complaint is made, shall secure that that complaint may be investigated in open Court, with all the attendant ceremonies and safeguards of the law, securing to every incumbent his right of irremovability, and the enjoyment of his preferment undisturbed, unless it can be proved that he has rendered himself amenable to those common maxims of just law which ought always to prevail in the government of the clergy as well as in that of the laity. It is a most extraordinary fact that this House has done more justice to the Roman Catholics resident within this country than it has done to the great body of the members of the Church of England. Last Session, thanks to the Government, and especially to the perseverance of the right hon. Gentleman the Home Secretary, a measure was passed which has given to the Roman Catholics the opportunity of a hearing and a fair trial under the laws of their native country in everything that concerns their property devoted to religious and charitable uses; but to this hour the great body of the Church of England remain practically debarred from many of the benefits which last Session you conferred upon that small minority who profess the Roman Catholic faith. That measure was, in fact, the answer to an appeal which which was made as long ago as the year 1851 by the Roman Catholic priests of the district of Hexham; and let me for a moment, in illustration of the nature of the improvement or reformation of our ecclesiastical law which I hope to see, remind the House of what these gentlemen prayed for. They addressed themselves to Cardinal Wiseman, and they asked—

> "First, that their ecclesiastical constitution be compounded of these four ingredients—that is, the civil law of England, the Canon law (in spirituals) of the Catholic Church, the common law, and the just and equitable statute laws of their beloved country; for they are convinced that these would constitute, if properly compounded, a safe, salutary, and uniform system of ecclesiastical legislation for the Catholics of England."

Now, what I would ask for the members of the Church of England is that by the renovation of our system of ecclesiastical procedure, you should revive those benefits for us. But I hope that in no measure which may be introduced we shall meet with such an answer as was given by the committee of St. Thomas of Canterbury, though by anticipation, to this prayer of the Roman Catholic priests. That Committee, of which Cardinal Wiseman is a member, said—

> "In the Catholic Church, the Bishop, as your Committee learn, is not merely an administrator; he is a judge, acting sometimes with the ordinary formalities of courts, at other times summarily, and without any formalities whatever . . . . It is not every case of supposed criminality in which a priest is entitled to a trial before suspension. On the contrary, it is the gravest offences of all which, for avoiding scandal, give the Bishop the right of suspension without trial, &c., &c. So true is it that a Bishop can, by virtue of the aforesaid decree (Council of Trent, Sess. XIV., 1; De Syond. Diocese), for reasons best known to himself, interdict a priest from the exercise of his sacred functions, that he is not even bound to make known the cause of suspension or the crime to the very criminal himself, but only to the Apostolic See, if the suspended priest shall have recourse to that tribunal."

Now, Sir, last Session we did all we could to guard the Roman Catholic priests and Roman Catholic laity of this country against this arbitrary control, and I trust that no measure which is introduced for the Church of England will give any such arbitrary jurisdiction to the Bishops of our Church, however much they are entitled to our respect. Let us not oppose the clergy; but in seeking justice for the laity, I would seek justice for the clergy also. I claim that the character and the position of the Church of England, as united with the State by a union which until this jurisdiction lapsed was without confusion, shall be borne in mind by those who are to provide for the due administration of her laws. I say this, Sir, because I wish to clear my urgency upon this subject from all imputation of a desire to place the parochial or inferior clergy under a jurisdiction which I feel would be unbecoming the freemen of this country. We seek, Sir, a national reform. We seek a reform in the spirit and according to the constitution of the Church of England; and I will conclude by assuring the Government that, so far as my humble vote will go, should their measure be, as I believe it will be, a measure well adapted to meet the exigencies of the case, I shall feel it equally an honour and a duty to tender them my support.

MR. HADFIELD said, he would strongly urge the members of the Church of England to release themselves from the trammels of the State. There was not a more independent body of men in the world than Dissenting ministers, although they were dependent upon the voluntary system. But what was the state of the Church of England? Why, according to the testimony of the Bishop of Ripon, there were 10,000 of its ministers who at that moment were not in the receipt of £100 per annum. Dissenters certainly did not treat their ministers in this way, and he argued that the only remedy for that unhappy state of things would be the adoption of a system which would enable those clergymen to avail themselves of the voluntary kindness of their flocks, and which would free the Church from the benumbing influence of its connection with the State. He would, however, undertake to utter a prophecy in that House, which was that the noble Lord at the head of the Government would never attempt any reform of the discipline of the Church of England. He was too experienced a politician to try his hand at anything of the kind, for he would bring all the ecclesiastical bodies in the kingdom about his ears.

MR. DANBY SEYMOUR said, he was satisfied with the opinions elicited from both sides of the House, and also with the perfectly unsatisfactory answer of the right hon. Gentleman, and, in withdrawing his Motion, he would state that he should take the earliest opportunity of again bringing the subject under consideration.

Amendment, by leave, *withdrawn.*

FIRES IN LONDON.

OBSERVATIONS.

MR. THOMSON HANKEY said, he wished to direct the attention of the House to a subject deeply affecting the interest of the Metropolis. He would show the existence of a very great evil, which required the interference of the Legislature—he referred to the state of the law respecting the prevention of fires in the Metropolis. A great fire had lately occurred near London Bridge, and public attention had very naturally been directed to the subject. The state of the Metropolis was not what it ought to be with respect to proper arrangements for putting out fires. The House was perhaps hardly aware of the immense property to be insured against the risk by fire in the Metropolis. Taking the rental within the area of the Metropolitan Board of Works at £15,000,000, and capitalizing it at twenty years' purchase, the value of house property alone was £300,000,000 sterling. Taking the moveable property in houses as at least equal to the house property itself—taking into account also the immense property in the docks, in London warehouses, and shops, independently of pictures, books, and jewellery in private houses, he was sure he did not exaggerate when he calculated the value of the whole at not less than £600,000,000. That property was left practically without any municipal regulations whatever for its protection against fire. The fact, he had no hesitation in saying, was almost unexampled. He did not believe there was another great city in the world besides London that had no municipal regulations whatever in force for the prevention of fire. He would briefly explain to the House what was the present state of the law. Immediately after the Great Fire of London, in the following year public attention was naturally directed to this subject, and an act of Common Council was passed, which he had seen in the library among the records of the City, giving very elaborate directions as to the course to be pursued in London in the event of fire. The municipality, which then formed the greater part of London, took upon itself to make what might at that time be thought admirable regulations for the security of property against fire. They went into very minute regulations. One of these was to this effect, that—"At all such times the Lord Mayor be attended with all his officers, with the marshals and their labourers, the bridgemasters, &c., who are all, upon notice of any fire, forthwith to repair to the Lord Mayor, and to observe such directions as may be given them. The sheriffs, also, will be attended by all their officers upon pain of forfeiting £3 in default of such their attendance. Another clause enacted that—"Every alderman who has passed the office of sheriff shall provide twelve buckets and one hand-squirt of brass, to be kept at their respective dwellings." He had gone lately to the Guildhall, and asked the Town Clerk if he could give him information as to any existing municipal regulations in the City of London on the subject. The Town Clerk told him he was not aware of anything of the kind. All they depended upon was an Act of Parliament of 1774, which required each parish within the metropolitan area to maintain at least one engine and a certain number of ladders. That was the only Act relating to the subject of fire, and any hon. Gentleman who had anything to do with parochial arrangements in London would know that such an arrangement as the one proposed was perfectly useless so far as regarded protection from fire. The engines were kept up in a very inefficient manner, or were not kept at all, except in a few of the larger parishes, and in some instances the keys were in the possession of a parish clerk who resided at a considerable distance from the engine-house. In the year 1844 a measure had been proposed by the right hon. Baronet Member for Carlisle, who was then Secretary of State for the Home Department, by which certain parishes were required to maintain a greater or a lesser number of engines, according to the amount of their population, and a certain number of firemen. The Bill included about 200 parishes, and it provided for the maintenance of about 800 firemen, but those men were to be placed under no kind of organization, and the measure would have been totally ineffective, as the vicious principle of parochial efforts was still to be kept up. There could be no doubt that the present state of legislation upon the subject was unsatisfactory. He might be told there was a brigade, called the fire brigade, in London, which had practically prevented public attention being called to the want of legislation, because they formed a very efficient body. No doubt they were highly efficient for the purpose intended, but certainly not for the general protection of life and property in the Metropolis. The brigade consisted of 108 or 109 men, with sixteen engines at stations in various parts of London, but it was formed out of a previous system by which all the insurance offices of London kept a certain fire establishment of their own, partly as a sort of advertisement and partly to put out fires where the offices were directly interested. That system having been found very expensive, it was suggested that it would be far better to form one brigade by the union of all the men, and from that suggestion originated the fire brigade which had now existed since 1833. He admitted that the present arrangement was a great improvement, but still it was wrong to leave the protection of the Metropolis from fire to the insurance offices. The brigade had rendered great services under its late superintendent, Mr. Braidwood, and he might mention that the insurance offices had shown their appreciation of that gentleman's services by granting an annuity of £300 to the widow, with a reversion of the capital—£7,000—to his children. He repeated, however, that the present system was wrong, for although in one sense it might be to the interest of insurance companies to put out fire, yet their premiums were based upon a calculation of risks, and if the fires doubled in number the premiums would be doubled also. In the late great fire the loss of the insurance offices was estimated at £1,000,000, besides several hundreds of thousands pounds' worth of uninsured property that was destroyed. The whole amount of the premiums received by all the London and country offices for risks incurred within the Metropolis was only £350,000 a year, so that one fire had swept the whole amount of 2½ years' premiums. The brigade was supported by the various companies at an expense of £25,000 a year. That sum, of course, was calculated in the amount of the premiums, and fell upon the insurers, so that the insurers paid for the protection that was afforded to non-insurers—an arrangement that could hardly be regarded as equitable. If anything ought to be taken up as a municipal question it was the protection of life and property against fire. In Paris there were 800 of the *Sapeurs Pompiers*, a most efficient fire brigade. In Edinburgh, Dublin, Liverpool, and Manchester, the extinction of a fire was a municipal arrangement, and there was no continental town in which the same system did not prevail. In London alone there was no such system, and this important object was left to depend on voluntary exertions. Our public buildings were unprotected, and, considering the invaluable property which they contained, that was a most unsatisfactory state of things. In the Bank of England alone an efficient system prevailed, and so there ought to be in an establishment containing the records of the National Debt and titles of property amounting to £800,000,000 ; but was it not equally the duty of the Government to protect the public buildings under their charge, remembering that within the metropolitan police area were more than 3,000,000 persons, and between 500,000 and 600,000 houses, there surely ought to be some public system ? He did not want to saddle the country at large with any expenditure to accomplish this object. The matter was one of police, and there could be no better time than the present for effecting such a change. He spoke without authority, but he believed that the whole of the existing fire-brigade establishment would be handed over to the public on equitable terms if they would take charge of it, and the companies would be glad to be relieved from a duty which he did not think ought to fall upon them at all. He hoped the matter would be considered by the Government during the recess.

SIR GEORGE LEWIS: My hon. Friend has naturally and wisely taken advantage of the present moment, when attention has been directed to the disastrous fire at London Bridge, of which we have heard so much, to bring under notice the defects in the present arrangements for the extinction of fires in the Metropolis. The principal provision on this subject is contained in the 14th of George III., which enacts that every London parish within the Bills of Mortality shall keep up certain fire engines and other appliances for the extinction of fires. At this moment I am not prepared to say what is the aggregate expense which the parishes incur under this enactment; but, no doubt, the expenses of the several parishes, when added together, amount to a considerable sum. Nevertheless, the whole of that expenditure is almost frittered away. It is divided into such minute proportions that no one parish contributes any important assistance to the extinction of any large fire. The Act of George III. was passed at a time when there was no organization for the Metropolis. Each parish was, in 1774, a separate community, excluding the City of London, and they had no common organization. Such organization, however, now exists in the metropolitan police, which, indeed, is independent of the City of London, but is common to the whole of the rest of the Metropolis. It is an obvious remark that if all the expenditure of the separate parishes were thrown into one common fund and were placed under a common management, the expenditure would be far more equally and economically applied for the purpose of extinguishing fires than it is at present. Whether any alteration in the law could be made for that purpose is a point upon which I will not express any opinion; but I agree with my hon. Friend that if these arrangements, which are now simply parochial, were combined, and if the persons who are now employed by the several parishes were brigaded, the means of extinguishing fires would be much more efficient than at present. The existing fire brigade in London is maintained at an expense of £20,000 a year, and is a voluntary force, supported by the various fire insurance offices. And if the whole of the expense is thrown on the parishes it seems but reasonable that some contribution should be made by the companies. However, I merely advert to that subject as one which will require consideration, and I must thank my hon. Friend for the manner in which he has brought this subject under the notice of the House.

IMPORTATION OF GUANO.

OBSERVATIONS.

MAJOR WINDSOR PARKER said, that the noble Lord (Lord John Russell) had, by anticipation, answered the question he had put on the paper relative to the importation of Peruvian guano. He would, however, venture to remark that while they had imported last year about £30,000,000 sterling worth of corn the importation of that valuable fertilizer had gradually fallen off. It had been calculated that one ton of Peruvian guano was equivalent to a production of five quarters of corn, and upon that calculation the falling off in the import represented a falling off in the production of corn in this country of 2,000,000 quarters. The Government would, therefore, confer a great benefit on the country if they would give greater encouragement to the importation of guano, so that the country might cease to be dependent on foreign nations for such enormous importations of grain. The House had been reminded by a petition presented by the grand jury of Leitrim that the Peruvian Congress had endeavoured to do away with the monopoly by which the English farmer was charged £2 5*s.* per ton more than his American rival. If that resolution of the Peruvian Congress should be carried out the English farmer would be saved £500,000 a year. The trade in Peruvian guano was in a most unsatisfactory state, and he trusted that the Government would energetically urge upon the Government of Peru to make some reduction in the present enormous export charge levied on guano.

CIVIL LIST PENSIONS.

OBSERVATIONS.

MR. STIRLING* said, that in calling attention to the pensions on the Civil List, he thought it proper to quote the words under which that fund was established. It was an Act of Her present Majesty, the 1 & 2 *Vict.*, c. 2, s. 56, and it provided that the sum of £1,200 should be paid out of the Consolidated Fund as pensions to such persons as had just claims on the Royal beneficence, or who, by personal service to the Crown, or by the performance of duties to the public, by their labours in literature, or by useful discoveries in science or art, had merited the approbation of their Sovereign. The Act directed that a list of the pensions should be laid before the House every year, clearly showing that it was intended that these pensions should be open to the review of Parliament; but no complete return had ever been given till the one he had moved for. The aggregate amount of the pensions now payable was £18,700. He was sorry to see from this list that very early in the history of this civil fund some pensions were granted that partook of the nature of an abuse. In 1840 Lord Melbourne granted to seven persons, instructors of Her Majesty in various branches of education, £700 out of the £1,200. He did not say these persons did not deserve recognition from the Crown; the well-known accomplishments of Her Majesty made it probable that they had faithfully discharged their duty. But it could hardly be said these were services that came within the spirit, though they might come within the letter of the Act. It must be remembered that, in addition to the £1,200 a year, there was a further annual sum of £13,200 at the disposal of of the First Minister, under the name of Royal Bounty, Alms, and Special Services. It certainly appeared to him that the pensions he alluded to ought to have been granted out of the larger sum and not out of the smaller. In 1845, Sir Robert Peel granted out of this £1,200 a pension of £1,000 to a member of the Royal Family. Believing that no defence could be made or would be attempted for this pension, he called attention to it merely for the purpose of expressing a hope that nothing of the kind might occur again. Here and there on this list, extending over a period of twenty-four years, he found other pensions hardly less objectionable. The names of several persons appeared there, as it seemed, for no other reason than that they were poor and their relations extremely rich and powerful. Grants of this kind could not be too severely condemned. There was, doubtless, much individual hardship in these cases, and it would be repugnant to the feelings of almost any Member of this House to allude to them by name. But it was behind this natural repugnance that Ministers sheltered themselves when they perpetrated these jobs. He must say the rich relatives who asked were more to blame than the careless Minister who gave. But it was the duty of Ministers to resist the applications for such gifts, and to make the wealthy aristocracy understand that the fund was not to be made a refuge for their poor relations. The poor had their friendly and benefit societies maintained at their own cost, and it would be well if the rich and titled, following their example, would take upon themselves the burden of supporting some of the destitute persons whose names appeared in this Return. He would now call attention to the literary and scientific pensions. In no grants was it more necessary that caution should be exercised. A literary career was a lottery, in which the prizes in fame, influence, and hard cash were so splendid that it followed in the nature of things the blanks must be very numerous. It was a career which peculiarly appealed to the imagination of youth, and in which the difficulties and obstacles were seldom visible from the starting post. In other walks of life there was generally some point when a man felt he had made good his footing, and from which he was or might be borne onward and upward by seniority, by death vacancies, or by the exertions of others. In the literary career there was no such point; success here implied continual progress; and progress was only to be made by incessant exertion. The result was that the literary profession was crowded with middle-aged men, of considerable abilities, great cultivation, and no little industry, who, nevertheless, found it difficult to make a decent livelihood. When the cares of a family were added to their other difficulties, the position of these persons was forlorn indeed. It was obvious, therefore, if the good character and a fair degree of literary skill were to be the passport to a pension, three times £1,200 would hardly suffice to satisfy the claims of literary men alone. The possible rewards being so scanty and so few, none ought to be granted except to those persons who had rendered real and signal service to English literature. Rightly to select the recipients of these rewards demanded the exercise of the greatest care. Looking through this return, he must say that the selection afforded evidence rather of carelessness than care. In his remarks he would not go further back than five years, fixing that period to show that, while he criticised the pensions given by the noble Lord, he had no wish to exempt from remark those granted by the late Government. In the last five years about forty pensions had been granted for literary services alone; of these he was himself familiar with the names of twenty-five. Some of this number were unexceptionable—such as Lover, Richardson, and the relatives of Robert Southey and of Hugh Miller; but to others he thought considerable objections might fairly be made. Of the remaining fifteen names he had never heard until he read them in this list. He had, therefore, placed the returns in the hands of a number of gentlemen of the highest literary reputation, living in London, and of course conversant with all branches of literature, and especially called their attention to the fifteen names of which he spoke. Respecting one only of these names could his friends furnish him with any information leading to the belief that it deserved to appear on this list. He was, therefore, entitled to say that out of these forty names fourteen were wholly obscure. It had further fallen within his knowledge that of the persons pensioned for literary services, some had taken the unworthy course of attempting to raise further contributions by means of begging letters. As he did not know the circumstances under which the appeals were made, he should not now mention any names; but if he should find that the practice was persisted in, he should feel himself justified in taking some steps to make the names of the offenders known. But if any special example were needed of a mistake in disposing of these grants, he could not refer to a more striking case than that of Mr. Close. The noble Lord had withdrawn the pension of £50 he granted; but as he had allowed him £100 out of the Royal Bounty, he hoped he might take the liberty of giving a short sketch of Mr. Close's career. He was bred as a butcher; but soon gave up that trade to become a printer. From his early years he seemed to have had a fatal facility for writing doggrel verse and ungrammatical prose. It would be altogether a misapplication of the term to apply that of "literature" to anything he had ever written. Most of his productions appeared in the shape of handbills, and were circulated by means of the post. When persons returned him a favourable answer with an enclosure of money they were highly praised; those who did not pay him that attention were ridiculed and satirized. Many of these compositions were really so gross that they would very fairly come under the operation of the late Lord Campbell's Act. Others were attacks on women in his own neighbourhood, of such a nature that he wondered how he had escaped the horsewhip he had so frequently provoked. A volume of his writings was on the table of the library of the House, and those who had seen it could say whether he had drawn a too unfavourable picture of them. One of these handbills or fly-sheets, as they were called by the author—a very gross attack upon the character of a lady now no more—became the subject of an action for libel at Liverpool so lately as 1856. The defence made by the counsel of Mr. Close was not that the libel was true, or that there was any doubt as to the identity of the party attacked; but that his client was not a creditable person—these were the words he was reported to have used—and that nothing he could say or write could affect the character of any man or woman. This defence did not succeed in obtaining a verdict from the jury, who gave £50 damages against Mr. Close; and had it not been for consideration for his circumstances, their foreman stated that they would have given a larger sum. But this was not all. The plaintiff, who seems to have been a good-natured man, remitted the damages, on condition that Mr. Close should print a paper, confessing that what he had previously written was slanderous. Mr. Close accepted the condition. He confessed what he had said of the lady was slanderous. But in many subsequent flysheets he had spoken of the trial as an occasion when he was mulcted for writing the truth. Was such a man deserving either of a pension or of a donation? He regretted that the noble Lord, on withdrawing the pension, should have given a donation out of the Royal Bounty Fund, which donation seemed to have been allotted as a *solatium* to Mr. Close for having been found out to be an impostor. The pension was given in the first instance in consequence of a memorial which the noble Lord produced to the House on a former occasion, when he (Mr. Stirling) had called attention to the subject. The noble Lord then stated that Mr. Close was a self-taught genius, that his works deserved to be placed in the same category as those of Burns, and that a pension would be particularly valuable to Mr. Close as a mark of the Royal favour. The noble Lord finished by flourishing the memorial over the box on the table, stating that it was signed by

Lord Carlisle, Lord Lonsdale, and many other persons, and sat down, as usual, amid the cheers of the House. By the courtesy of the noble Lord he had had an opportunity of seeing the memorial, and as far as he could perceive it was signed by nobody at all. Towards the bottom of the list there might be some signatures which were real, but the greater part of the signatures—certainly all likely to weigh with the noble Lord—were exactly in the handwriting of the memorial, which was that of Mr. Close. The noble Lord informed the House that the pension was given upon the memorial, and if so that proved his case; because it proved that a pension had been given upon a document which ought more properly to have been transmitted to the Mendicity Society. The pension being withdrawn, the final result of the memorial was the £100 granted out of the Royal Bounty Fund. In taking leave of Mr. Close, he hoped he would employ this £100 better than those talents of which he was perpetually boasting. He must admit that this Westmoreland bard possessed one of the attributes of a great poet—the gift of prophecy. Last year he wrote in one of his fly-sheets—"Had I been a pugilist instead of a poet, Lord Palmerston would have given me £10 out of the Royal Bounty Fund." This year, although it was proved that, instead of being a member of the comparatively respectable fraternity of the Prize Ring, he was the writer of doggrel verse and obscene prose, a convicted libeller and a confessed slanderer, he had received not £10, but £100, from the improbable source which he had so impudently indicated. The question now was—how were mistakes of this kind to be prevented in future? He submitted to the noble Lord and the House whether it would not be desirable that there should be in the printed list of pensions a short indication of the services and works for which the pensions were granted, for it might happen that in some instances the obscure pensioners had been the anonymous authors of meritorious publications. Might it not also be said that some of the pensions were of too small an amount? The smaller the pensions were, the greater the chance of their being carelessly given. He saw in the list the name of a lady as the recipient of £30 a year. He never had the advantage of hearing her name before, and was, therefore, unable to say whether her services deserved recognition; but if she was so poor that £30 were of importance to her, would it not have been better to give her a little more? With the exception of the pensions for literary and scientific services, some department of the State might be said to be responsible for the pensions granted. For those given to soldiers and sailors, for example, the War Department and the Admiralty might be held responsible, and he had no doubt the responsibility was real and the supervision effective. In the case, however, of the bestowal of literary and scientific pensions there was no responsibility except that which rested on the Prime Minister, who, having so much to occupy his time, must necessarily leave the choice of these pensioners in a great measure to others. He ventured to say that if the noble Lord made a rule of appending to these grants the names of one or two persons of acknowledged literary eminence, who undertook to vouch for the value of the services for which the pension was given, many chances of abuse would be removed. There was no doubt but that many applications which ought not to be entertained were made to Ministers by persons who did not themselves choose to refuse them, and who very improperly throw upon the over-worked Minister the task of examining the flimsiest claims. If a Peer, with a taste for poetry, or a Member of that House, who was versed in geology, wanted a pension for a poet or a geologist, would it not be an excellent answer for the noble Lord to make—"Well, I will see if I can grant it; but if I do, remember that I shall probably give your name in the return as a guarantee for the propriety of the grant." He believed such a practice would have a great effect in checking abuses. Many men would make applications who would be far from desirous of being put down on the pension list as the godfathers of such pensioners as Mr. Close. He thanked the House for the patience with which it had listened to his statement on a matter which, so far as money was concerned, was a small one, but which, nevertheless, had an important bearing on the interests and the honour of literature.

VISCOUNT PALMERSTON said, he was not at all aware that these pensions to which the hon. Member had referred, were granted to necessitous members of wealthy families, who ought to look to their relatives for support. Some of these pensions were so small in amount that they could not be an object to any one moving in that sphere of life in which persons belonging to wealthy and aristocratic families would move; and, so far as he was concerned, the hon. Member's observation could not apply to the mode in which he had disposed of the pensions. As the hon. Member truly stated, the pensions allotted to persons of literary and scientific attainments were so small that it was almost a wonder how they could be of any great value to the receivers; but he could assure the House that the gratitude expressed by many very deserving persons for the assistance which those small pensions, varying from £50 to £100 a year, afforded, was exceedingly gratifying to him, as showing that in dispensing that amount which the law enabled him to dispense he was able to relieve a great deal of individual anxiety and privation. With respect to the particular case of Mr. Close, he thought that the hon. Member was mistaken in saying that the signatures to the memorial were in the same handwriting as the memorial itself, though undoubtedly the two first names—those of the Earl of Carlisle and Lord Lonsdale—were evidently not written by those noble Lords. So far as the Earl of Carlisle and Lord Lonsdale were concerned he found that the former had given his sanction to Mr. Close to use his name as a patron, although he had not authorized him to use it as supporting his application for a pension, while the latter noble Lord had done so. It was clear, therefore, that there had been no great amount of misrepresentation on the part of Mr. Close with reference to those two signatures. The reason, he might add, why he had taken away the pension from Mr. Close was that the hon. Gentleman opposite had communicated with him, and proved to him that Mr. Close had been convicted of having written a libel. Having ascertained that fact, it at once occurred to him that a man who was open to such a charge, whether he believed the libel to be justified or not, was not exactly the sort of person who was entitled to receive a pension from the Crown. Taking into account, however, the circumstance that some time had elapsed between the period of the announcement that the pension would be granted and its withdrawal, and it having been represented to him that Mr. Close had taken steps in expectation of receiving the pension which would entail on him considerable pecuniary loss, he certainly did not think it right—the fault resting, perhaps, in some measure with himself in not having examined sufficiently into the particular case—that Mr. Close should be allowed to suffer to so great an extent as he must have done if he had received no pecuniary assistance. The hon. Member, indeed, seemed to think that if he were disposed to render that assistance he ought to have paid the money out of his own pocket. [Mr. STIRLING: No, no!] That was the inference he drew from what had fallen from the hon. Gentleman; but, be that as it might, he had not felt called upon to adopt that course. He could, moreover, assure the hon. Gentleman that he paid great attention to the distribution of the grants in question; that he examined carefully the grounds on which recommendations for them were made; that the names of the persons making the recommendations were duly sent in to him, and that he had granted pensions to several upon whom—even according to the admission of the hon. Gentleman himself—they were properly bestowed. The hon. Gentleman had, indeed, stated that there were fourteen cases in which he had not been able to learn on what grounds grants had been made, and he, therefore, seemed to assume that in those cases the public money was not wisely and fairly distributed. He might, however, turn the tables on the hon. Gentleman, and say that his want of knowledge in these particular instances was no good reason why he should not be wrong, while his own acquaintance with the grounds on which those fourteen pensions were granted furnished no good reason why he should not have done right in conferring them. He could at all events assure the hon. Gentleman that he believed he could satisfy him that the claims in the fourteen cases to which he alluded were just ones, if he would only bring the circumstances of each case under his notice. In many instances, it was true, the recipients of pensions were persons not known to fame. They were not persons whose works had enabled them to arrive at that high degree of reputation and emolument which distinguished literary success secured. On the contrary, they walked in the humbler ranks of literature. They were men who struggled without avail to acquire wealth by the exercise of their talents, but who, nevertheless, possessed natural genius and great industry, and to whom the grant of the smallest allowance was a great boon, inasmuch as, however trifling it might be, it sometimes precluded the necessity of their being obliged to seek refuge in the workhouse, or to depend on the casual support of friends or relatives. Those grants had at all events, he believed, done great good. They resembled the distributions made by the Literary Fund, which were very small, but which, as everybody knew, had produced, in some instances, in cases of distinguished men, great relief in moments of distress. He had simply, in conclusion, to assure the hon. Gentleman that he should feel it to be his duty to take every precaution against the recurrence of such a case as that of Mr. Close.

Main Question put, and *agreed to.*

SUPPLY — CIVIL SERVICE ESTIMATES.

House in Committee,

Mr. MASSEY in the Chair.

(In the Committee.)

(1.) £145,140, to complete the sum for Superannuation Allowances and Compensations.

MR. W. WILLIAMS said, that the Vote was increasing every year. He found several instances in which allowances had been granted upon the abolition of establishments, but with proper economy those persons, instead of being thrown on the public as pensioners, might have received appointments in other departments. There was, he observed, the case of a person who had been receiving £320 a year on account of ill-health since 1831; and another in which £700 a year was paid for "infirmity of body" since 1820—that was for forty-one years. There was an item of £2,000 for the Queen's coroner which needed explanation. He should like to know what the duties of that office were?

MR. PEEL said, that no doubt the Act of 1859 granted more liberal allowances, and embraced a larger number of public servants than the previous Superannuation Act, and that accounted for the increase in this Vote. With respect to the allowance of £2,000 a year to the Queen's coroner and attorney, he (Mr. Peel) was not aware that the hon. Gentleman intended to draw his attention to this allowance, and he did not know the particular circumstances under which it was granted. He did know, however, that an Act was passed abolishing this office and otherwise effecting a considerable reduction in the Vote for that department of the Queen's Bench.

Vote *agreed to*, as were also the four following Votes:—

(2.) £10,000, Commutation of Probate Act Compensations.

(3.) £1,040, Toulonese and Corsican Emigrants.

(4.) £325, Refuge for the Destitute.

(5.) £3,210, Polish Refugees, &c.

(6.) £3,951, Miscellaneous Allowances.

SIR MORTON PETO said, there was a charge included in this sum for a pension of £500 granted to Sir Thomas Clarges by Charles II., and he wished to know who received that money now.

MR. PEEL said, he supposed it was the representatives of that person. The question of continuing the payment had been submitted to the law officers of the Crown lately, and they were of opinion that the payment could not be discontinued.

SIR MORTON PETO said, he should move that the amount of the grant should be struck out.

MR. AYRTON said, he hoped that the Motion would not be persisted in, for the grant had been made by the Crown and charged upon the old coal duties, and was as much private property as was the subject of any other grant from the Crown.

Amendment, by leave, *withdrawn.*

Vote *agreed to*, as were also the following six votes:—

(7.) £2,539, Public Infirmaries (Ireland).

(8.) £1,900, to complete the sum for the Westmoreland Lock Hospital (Dublin).

(9.) £700, Rotunda Lying-in Hospital (Dublin).

(10.) £200, Coombe Lying-in Hospital (Dublin).

(11.) £5,200, to complete the sum for the Hospitals of the House of Industry (Dublin).

(12.) £1,800, to complete the sum for the House of Recovery and Fever Hospital (Dublin).

(13.) £600, Meath Hospital, Dublin.

MR. BRADY said, he did not intend to oppose the Vote, for he did not believe that a more valuable institution existed; but he conceived that the course which had been pursued of late years by the medical officers of the institution, in selecting their colleagues instead of allowing them to be chosen by election, was likely to bring the institution into discredit.

MR. CARDWELL explained the circumstances connected with the recent acts of which the hon. Member complained, and pointed out that the gentleman who had been appointed was in every respect qualified for the office to which he had been elected.

MR. HENNESSY said, he considered that the mode of appointment was one which required some alteration.

Vote *agreed to,* as were also the following Votes:—

(14.) £100, St. Mark's Ophthalmic Hospital (Dublin).

(15.) £900, to complete the sum for Dr. Steevens' Hospital (Dublin).

(16.) £265, Superintendence of Hospitals (Dublin).

(17.) £58,700, Merchant Seamen's Fund Pensions.

(18.) £17,400, to complete the sum for Distressed British Seamen Abroad.

(19.) £5,121, to complete the sum for Charitable Allowances, &c. (Ireland).

(20.) £29,747, Nonconforming, &c., Ministers in Ireland.

MR. HADFIELD said, he objected to the Vote. There were constant accessions to the claimants upon the fund, though the census showed that the body to which they belonged had in thirty years decreased 20 per cent. New claims, too, were being added. The Presbyterians of Ulster, moreover, he contended, did not require that assistance, inasmuch as they were rich, having in one year raised £30,000 for houses and £10,000 a year for missionary enterprises. They paid their ministers, however, very badly, and the system of granting them public money encouraged that practice. The grant was really an injustice to the class who received it, for a larger amount might be secured by the voluntary system. The Established Church, the Regium Donum, and the Maynooth Grant were like a three-legged stool. If any one of the three were taken away the others would tumble. He believed that a sum of £10,000 had been already taken on account. He, therefore, begged to move that the Vote be reduced by £28,000.

MR. CARDWELL said, that the question had been substantially decided last Session after a debate upon the Regium Donum. The House then resolved to continue the Regium Donum. On the one hand, the Government would not propose any new endowments; but, on the other, they were of opinion that those, which had been continued for a long time should not be withdrawn; and he knew of no body of men who were more entitled to the grant than the Presbyterians of Ireland.

MR. DAWSON said, that all parties in Ireland were in favour of the grant, and he would for his part desire to see it increased, so that the salary of each minister would not be less than £100; and in order to prevent these annual discussions, he would place the charge upon the Consolidated Fund.

Motion made, and Question put,

"That a sum, not exceeding £29,747, be granted to Her Majesty, to complete the sum necessary to defray the Expense of Non-conforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1862."

The Committee *divided:*—Ayes 78; Noes 18: Majority 60.

Vote *agreed to.*

(21.) £3,750, Ecclesiastical Commissioners.

MR. W. WILLIAMS said, he objected to the Vote, on the ground that the Commissioners were rich and did not want it. In four years they had spent £98,000 upon lawyers and surveyors, and in the year 1858 alone £32,000. He would certainly take the sense of the Committee upon it.

SIR GEORGE LEWIS said, that the sum was voted for the expenses incurred by the Ecclesiastical Commission in the performance of duties formerly discharged by the Church Building Commission, which had been dissolved.

MR. HADFIELD said, he objected at the time to the transference from the Church Building Commissioners to the Ecclesiastical Commissioners. What had the Commissioners to do? He believed absolutely nothing.

MR. CAIRD said, he could not help making an observation on the great amount paid by the Commissioners for surveyors and receivers. In 1858 no less a sum than £10,814 was paid to two firms of land surveyors in London for commission, and in 1858 the sum had grown up to £20,546. It appeared to him that the better plan would be for the Commissioners to appoint some person at a sufficient salary to do that work. In the year 1858 there was also paid to lawyers £11,992. He certainly thought that was an expenditure which should be inquired into.

MR. DEEDES explained the duties which devolved on the Ecclesiastical Commissioners in connection with the Church Building Acts. They were of a most onerous and important character, and the Commissioners would be glad to be relieved of them. The money asked for would, therefore, be well applied. As to the solicitors' and surveyors' charges, the Commissioners were not afraid of a full investigation into these matters. The Commission had charge of large estates and vast sums, and the charges were necessarily heavy. It had always been their earnest desire to keep down their legal and professional expenses as much as possible.

MR. PEEL explained that the duties of the Commission under the Church Building Acts were to receive the conveyance of sites where persons were willing, at their own private charge, to build churches, and when the churches were built to separate for ecclesiastical purposes from the existing parishes those districts which were to be assigned to the new churches. The cost of these duties under an Act of Parliament could not be defrayed out of the funds of the Ecclesiastical Commission.

Motion made, and Question put,

"That a sum, not exceeding £3,750, be granted to Her Majesty, to defray a portion of the Expense of the Ecclesiastical Commissioners for England, to the 31st day of March, 1862."

The Committee *divided*:—Ayes 66; Noes 34: Majority 32.

Vote *agreed to;* as was also

(22.) £12,606, to complete the sum for Temporary Commissions.

Motion made, and Question proposed,

"That a sum, not exceeding £29,005, be granted to Her Majesty, to defray the Fees, Salaries, Expenses, and Compensations, payable under the provisions of the Patent Law Amendment Act, to the 31st day of March, 1862."

MR. W. WILLIAMS called attention to the large amount of fees received by the law officers of the Crown.

CAPTAIN JERVIS said, he should move the reduction of the Vote by £9,166, the expense of fees payable to the law officers of the Crown. He complained that the operation of the law was most unjust, as bearing upon working men who were desirous of obtaining patents. There was a charge for travelling expenses to obtain the Lord Chancellor's seal when he was out of town. Surely if the Lord Chancellor went out of town for business or pleasure it was his duty to leave some officer in town who could affix the seal. The amount of fees payable by a working man to get a patent made out was no less than £50, which was excessive, whereas in America a patent could be taken out for £3 or £4.

MR. PEEL said, the law officers of the Crown received certain fees in respect of patents, in return for which they were expected to examine specifications, and sometimes had to call persons before them. The aggregate sum appeared a large one; but the law officers only received two guineas upon each provisional protection, and one guinea upon each grant of a patent, and, considering the large incomes made by barristers at the head of their profession, it was not excessive. A reduction in the charge, of taking out a patent had within the last few years been made, and the charge, which used to be £300. was now £25 for a period of three years. The Commissioners of Patents did not recommend any further reduction of the fees, which they said would increase the number of speculative and useless patents.

CAPTAIN JERVIS said, that the fees for a three years' patent were £50, not £25.

MR. CONINGHAM said, the reduction of the fees to a low amount would be a great boon to inventors.

Motion made, and Question,

"That the item of £9,166, for Fees payable to the Law Officers of the Crown, be omitted from the proposed Vote,"

—put, and *negatived.*

Original Question put, and *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £13,018, be granted to Her Majesty, to pay the Salaries and Expenses of the Board of Fisheries in Scotland, to the 31st day of March 1862."

MR. CAIRD said, he objected to the system by which a charge was made for the use of a particular brand. It would be better if the trade were left entirely to protect itself. As matters stood the careless and the careful curers of fish were placed on the same footing. He also wished to ask whether orders had been given to the war steamers engaged in protecting the fishery, so that no such catastrophe as that which had recently resulted in the death of a fisherman should again occur?

SIR GEORGE LEWIS said, that the policy of the Fishery Board had been frequently under consideration, and a Commission was issued three or four years ago, who inquired on the spot and reported to the Treasury, in consequence of which report an Act was introduced by which certain fees were charged for branding. He was partly responsible for the Bill, but confessed that he entertained considerable doubt as to the policy of the provisions. There was, however, a strong feeling in Scotland on the subject, and if efforts were made to abolish the Fishery Board, corresponding efforts, he believed, would be made to maintain it, the brand being regarded as of essential service to the foreign trade. With regard to the unfortunate occurrence connected with the *Jackall,* the

Fishery Board were fully aware of the gravity of the circumstances, and, no doubt, would give the necessary instructions to the commander of the vessel, so that no occurrence of this sort might happen again.

MR. LOCKE said, that as all parties seemed agreed that that was a most objectionable payment, he would move that the sum of £13,018 be omitted from the estimate.

SIR GEORGE LEWIS explained that last year upwards of £3,800 had been received by the Board in the shape of branding fees, and is also obtained by other means £3,000; so that if these two sums were deducted from the Vote, it would be seen that the money actually to be paid by the country for the support of the Board was only half of the Vote.

SIR JAMES FERGUSSON said, he trusted that the Committee would not entertain the proposal of the hon. and learned Gentleman (Mr. Locke), especially as some portion of the Vote was distributed in pensions.

MR. CAIRD said, he believed that there was a general feeling in Scotland that the Fishery Board would disappear altogether. At the same time what had been done to improve the fishing ports was advantageous to them, and he hoped the hon. and learned Member's Amendment would not be persisted in.

MR. WHITE said, that a more rotten piece of protection was never known. It was usual, however, in such cases to vote the pensions, and he trusted that his hon. Friend would amend his proposal accordingly.

MR. COLLINS said, he also objected to the Vote, on the ground that there was no more reason for expending the public money in branding herrings than in making roads and bridges in Scotland.

MR. W. WILLIAMS said, that so far from the money being expended in the improvement of harbours it was mainly spent in nets.

SIR JAMES FERGUSSON said, he must deny the accuracy of the statement made that the Vote was asked for the purpose of protection. The Commissioners reported that it was a national interest, and by no means an improper object to foster this branch of industry, in which a large number of the poorer classes were engaged. The grounds stated in opposition to the Vote were altogether inefficient to maintain that argument.

MR. LOCKE said, he did not wish to strike off the salaries and pensions, and was willing to reduce the Vote to £8,711. He objected to voting money for mere local matters, and they were often enough reminded of that when there was any money required for metropolitan improvements.

Motion made, and Question put,

"That a sum, not exceeding £4,247, be granted to Her Majesty, to pay the Salaries and Expenses of the Board of Fisheries in Scotland, to the 31st day of March, 1862."

The Committee *divided*:—Ayes 31; Noes 55: Majority 24.

Original Question put, and *agreed to*.

(25.) £2,000, Trustees of Manufactures (Scotland).

MR. HENNESSY said, that the Vote involved a greater job than the last. It was the only Board of manufactures supported out of the public money, and he would propose that the Vote should be negatived.

Motion made, and Question put,

"That a sum, not exceeding £2,000, be granted to Her Majesty, to defray the Charge on account of the Annuity to the Board of Manufactures in Scotland, in discharge of Equivalents under the Treaty of Union, to the 31st day of March, 1862."

The Committee *divided*:—Ayes 63; Noes 13: Majority 50.

Vote *agreed to*, as were also the three following Votes:—

(26.) £35,000, Local Dues under Treaties.

(27.) £3,500, Inspectors of Corn Returns.

(28.) £1,000, Boundary Survey (Ireland).

(29.) £11,930, to complete the sum for the Census of the population.

MR. CAIRD inquired why it was that the expense of the census in Scotland was proportionally greater than the expense in England or Ireland?

SIR GEORGE LEWIS said, that the reason why the expense of the census in Ireland was less was because the police were the enumerators in that country. The greater area of Scotland in comparison with the population, and the greater difficulty of travelling, in consequence of the want of railways and the nature of the country, rendered the census proportionally dearer in Scotland than in England.

MR. PEEL said, that another reason which increased the cost of taking the census in Scotland was a Motion proposed by the hon. Member himself last year, requiring the enumerators in Scotland to take an account of the number of occupied and unoccupied houses, of the number of houses building, and of the windows contained in the houses.

Vote *agreed to.*

(30.) £26,457, Telegraph Companies Subsidies.

In reply to Captain JERVIS,

THE CHANCELLOR OF THE EXCHEQUER said, that the Red Sea Telegraph Company might be said to be reduced to a state of neutralized existence; but it did not appear to the Government desirable to proceed at the present to any definite conclusion with respect to the financial arrangements involved. They were, however, of opinion that it would be desirable to ascertain at a moderate cost the condition of the line, and his right hon. Friend the President of the Board of Trade had received some reports which he hoped would enable him shortly to apprize them more precisely as to the mode and extent of the inquiry which it would be expedient to undertake, in order that they might arrive at the root of the matter. So far as his information at present went he did not think the circumstances of the case very favourable.

In reply to Sir MORTON PETO,

VISCOUNT PALMERSTON said, the Turkish Government were now employed in establishing a telegraphic line along the Euphrates from Brusa down to Bassora, by means of which he hoped communication would be opened with India.

Vote *agreed to*, as was also

(31.) £36,000, Malta and Alexandria Telegraph.

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

LANDED ESTATES (IRELAND) ACT (1858) AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

(In the Committee.)

Clause 1 (Duty payable on Proceedings),

Amendment proposed,

> "In page 1, line 11, to leave out the words 'the passing of this Act,' and insert the words 'such date as the Judges of the said Court may, with the sanction of the Commissioners of the Treasury, by general order appoint."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided* ;—Ayes 4; Noes 30: Majority 26.

Mr. Peel

And it appearing that 40 Members were not present:

Mr. SPEAKER resumed the Chair:—House counted:—And 40 Members being present,—Bill *further considered* in Committee:—

(In the Committee.)

Amendment proposed, in page 2, line 30, to leave out the words "where such value shall be less than £10,000 and twenty shillings."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 29; Noes 3: Majority 26.

And it appearing that 40 Members were not present:

Mr. SPEAKER resumed the Chair:—House counted:—And 40 Members not being present,

House adjourned at Two o'clock.

HOUSE OF COMMONS,

Wednesday, July 24, 1861.

MINUTES.]—NEW WRIT ISSUED.—For London City, *v.* the Right hon. John Russell, commonly called Lord John Russell, Manor of Northstead.

PUBLIC BILLS.—1° Marriages (Ireland); Corrupt Practices Prevention Act (1854) Continuance.

2° Lunacy Regulation; Episcopal and Capitular Estates Act Continuance, &c.; Newspapers, &c.; Revenue Departments Accounts.

3° Durham University; Passengers (Australian Colonies); Trustees (Scotland); Conjugal Rights (Scotland); Metropolitan Building Act Amendment.

CHURCH RATES—LAW AMENDMENT (No. 2) BILL—[MR. CROSS].

SECOND READING.

Order for Second Reading read.

MR. CROSS said, that in rising to move the discharge of the order for the second reading of the Church Rates Law Amendment (No. 2) Bill, he had no wish to raise any discussion on the measure. He was anxious, however, to say a few words in explanation of the reasons which had induced him to bring forward the Bill and the reasons why he was about to withdraw it. It had not been brought in from any whim or fancy of his own, for he should very much mistrust his own judgment in bringing forward such a measure. The

House would remember the tone in which the debate on the proposal to go into Committee on the Church Rates Abolition Bill was carried on, and it would also be remembered that the same tone was continued in Committee in the discussion of the Amendments which he had put upon the paper. It was in accordance with that tone that he had brought forward the Bill. He had frequently been asked why he had introduced the Bill when there was already one introduced in "another place" by the Duke of Marlborough, and one also in that House by the hon. Member for Buckingham (Mr. Hubbard). His answer was that the Bill of the Duke of Marlborough could never be discussed in that House; and as regarded the Bill of the hon. Member for Buckingham, so far as he could see in its then shape, it was impossible to hope that it would ever pass a second reading. The general tone in which his (Mr. Cross's) Amendments had been discussed, together with the expressed opinions of several hon. Gentlemen who had done him the honour to confer with him, had induced him to embody those Amendments and opinions in the Bill which stood in his name. That there might be exceptions to that Bill he thought would be gathered from the tone of the bench of Bishops in the discussion of the Bill of the Duke of Marlborough, and, perhaps, it would be viewed with alarm by extreme sections on both sides of the House. But he had introduced the Bill under advice, and, acting under the same advice that he withdrew it. The main reason for his decision was that at so late a period as the 24th July it would be impossible to get a House sufficiently large to discuss so important a measure. He must say he was one of those who thought the House of Commons was open to the rebuke that it was always willing to discuss the affairs of every nation under the sun, while it sometimes neglected the affairs of its own country. He was not sure that if the noble Lord the Foreign Secretary were asked some question as to the state of Madagascar or Lapland, there would not be a much more serious debate than there would be on a question as to church rates in this country. He withdrew the Bill against his own will, but, as he had said, acting under advice. A very serious question, however, remained. He hoped during the recess hon. Members would consider among themselves, and in consultation with their constituents, as to whether some wise and prudent measure could not be framed to settle the question. If a better measure than that he had proposed could be advised he should be glad to withdraw from the contest; but if nothing could be produced, then he should think it his duty to bring forward the Bill in the next Session. The conciliatory tone which had pervaded the debates on the church rate question during the Session was certainly encouraging, but a conciliatory tone only would not settle the question if the harmony was to be broken up whenever a proposal of any kind was put upon the papers. He hoped the Dissenters who wanted to see the question settled would be content with a measure which really took away the grievance of which they complained. On the other side he would ask hon. Members to consider whether the question in which they were interested, and in which he was himself deeply interested, namely, the maintenance of the national church, might not be assisted by such a Bill as that he had brought forward? The question was well put by the late Dr. Arnold in 1837, when he said the real problem was, how the grievances of Dissenters could be removed without at the same time destroying the nationality of the Church of England. And he added in 1837 what was almost enough to make them laugh in 1861—

> "I for one do not regret the postponement of this great question for one more year, because it seems to me that we ought not when the interests are so large to attempt rashly to settle the question in a manner which might turn out again to be mischievous."

No one could accuse the House of Commons of having been rash in dealing with the question. Before he sat down he would remind the House that if they wished to preserve the nationality of the Church they must, as Dr. Arnold wisely expressed it, do all in their power to make it practically as well as nominally the Church of the nation at large. When church rates were first established the parish churches were open to all. Now, he would ask, who was to maintain the parish churches? At present the poor people of England were thrust into the farthest and darkest corners of the churches.

MR. SPEAKER said, he must remind the hon. Member that the question before the House was the discharge of the order.

MR. CROSS said, he would conclude by saying that if they desired to maintain the nationality of the Church the people ought to have the full use of the parish church

He trusted that hon. Members would during the recess apply themselves to the subject in such a way that the question might be settled next Session.

SIR MORTON PETO said, that he was not anxious to revive the discussion on the Bill, but he could not refrain from expressing his satisfaction that it had been withdrawn. Anything more objectionable could not be presented to the House than the Bill of the hon. Gentleman. It was infinitely worse than the present state of the law, either having regard to the Nonconformist community nor to the Church of England itself. It proposed the revival of church rates in all the large towns where they had been abolished, and to throw on the rates about 2,000 district churches which were at present sufficiently supported without them by voluntary contributions. In fact, there would be about 9,000,000 of people who were now exempt who would be brought within the meshes of the law by the Bill. The Bill would expose all the rural districts to social persecution. Every hon. Gentleman knew that there were but few men in those districts who were able to say what they wished in the matter without subjecting themselves to persecution, and the fact that they would have to send in a written notice of dissent every year was placing them on the horns of a dilemma more galling than the rates themselves. The right hon. Gentleman the Secretary for the Home Department said the other day that it was a generally recognized principle in their discussions on the subject not to give the Church a stronger remedy than she had at present, but the Bill would do so. On the other hand he could not conceive that the national Church, if it were a national Church, approved of the Bill, because it would denationalize that Church and reduce it to the level of a sect. If the hon. Gentleman wished for the settlement of this question, and if he wished that members of the Church of England alone should pay the rate, he had simply to bring in a Bill of a few lines to exempt all persons who did not themselves desire to pay, and that would practically give the hon. Gentleman more money than the Church at present received. There was a practical example of that in Manchester, Rochdale, and other towns where the rate had been abolished. If the hon. Member and those who thought with him would take that course, they would do that which was most consistent with the character of the Church of England itself, she would retain all that she had of her national character, Dissenters would have nothing to complain of, and they would all have the happiness of acting together in a harmony which ought never to have been disturbed.

SIR GEORGE LEWIS said, he wished to remind the House that the Motion before them was a Motion for discharging the first of thirty-three orders that stood on the paper. The question of church rates had been amply discussed during the Session. He hoped, therefore, that desultory and profitless debate would not be carried on any further, and that they would not convert that House into a mere bebating society. He thought the question of church rates would be more profitably discussed in the newspapers during the recess, than by unpremeditated speeches in that House.

MR. HENLEY said, there was much force in what had fallen from the right hon. Gentleman, but he wished to make a few remarks in consequence of what had been said by the two hon. Members who had gone before. His hon. Friend (Mr. Cross) recommended that all persons during the recess should carefully consider the subject, and put their views in writing, and then they would be able to see how they differed. He agreed with his hon. Friend that they would see how they differed, and he thought that the speech of the hon. Baronet opposite did not look very favourable as regarded a compromise.

SIR CHARLES DOUGLAS said, he wished to explain that he had never said, as had been misreported, that he was in favour of a compromise, but simply he thought it desirable that hon. Gentlemen opposite should be allowed an opportunity of bringing forward their views. He denied that the withdrawal of the Bill of the hon. Member for Tavistock was owing to the introduction of the Bill of the hon. Member.

MR. DARBY GRIFFITH said, he hoped the Conservative Members would not fall into the error of carrying matters with too high a hand, and insisting upon reaction on this question. There was some danger of their raising their biddings —that was the rock on which they were likely to split. He would not follow the Conservative party into any course which had merely for its object to defeat measures brought in on the other side of the House without introducing some really good and efficient measure of their own.

For himself, he should refuse to follow the leaders of the Conservative party in any bigoted reaction on the subject, if such were attempted, as he believed that the time had come for a moderate and reasonable settlement of the question.

MR. NEWDEGATE said, that although he did not agree with the hon. Baronet in his unqualified admiration of the voluntary system, yet it was his firm impression that that was the principle which must be adopted with respect to the large towns, but that its application to the Church of England in those towns should be guarded, so that it should not weaken the parochial system. He was decidedly of opinion that a totally different remedy was required for the rural districts and places where church rates were now maintained. He (Mr. Newdegate) regretted that it was totally impossible for him to express any approbation of the principle of the Bill before the House. As the House well knew, he had always maintained that the principle upon which the Church of England was based, that the only principle upon which the nationality of the Church, and her right to the property, which she held, could be maintained, was the principle of inclusion; that she is the Church of all who choose to accept her ministrations. The Bill of the hon. Member for Preston (Mr. Cross) was based on opposite principle, upon the principle of exclusion, and would operate to the destruction of the national character of the Church of England if passed into law. Taking the case of such a town as Birmingham, if the Bill became law, and if there was an attempt to enforce its provisions, it would do more to break up the growing good feeling which existed than any measure he could conceive; it would have this effect, that it would register the majority of the population of that town, including Dissenters, Nonconformists, those who had any personal difference with the clergy, those who merely objected to pay, and the poor, in a category which would be available for those who desired the subversion of the Church. The Bill would literally form in every parish of England a register for the use of those who desired to agitate against the Church, and that register would be formed at the expense of the Church itself. He would beg the friends of the Church of England to take that warning. He was convinced that the only safety for the Church of England was that she should adhere to the broad principle of her nationality, and that she should claim still to be by her constitution what she was by her principles, the Church of the poor. He begged the House to remember that if any ratepayer were poor he must claim the exemption from church rate tendered by the Bill, and he would then be excluded by the Bill from his common law right to a seat in his own parish church.

Order *discharged:* Bill *withdrawn.*

CHURCH RATES COMMUTATION BILL.—[MR. ALCOCK.]

SECOND READING.

Order for Second Reading read.

MR. SOTHERON ESTCOURT said, he was commissioned by the hon. Member for East Surrey (Mr. Alcock) to withdraw the Bill.

Order *discharged:* Bill *withdrawn.*

INDICTABLE OFFENCES (METROPOLITAN DISTRICT) BILL.

SECOND READING. ADJOURNED DEBATE.

Order for resuming Adjourned Debate on Amendment on Second Reading [3rd July].

SIR GEORGE LEWIS said, that he was favourable to the measure, but in the absence of the right hon. Gentleman who had charge of the Bill (Mr. Walpole) he would move that the order be postponed until the following Wednesday. At the same time, he did not think it likely the Bill would pass during the present Session.

Debate *further adjourned* till *Wednesday* next.

INDEMNITY BILL.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. HADFIELD said, he should oppose the Motion, on the ground that it was an Indemnity Bill for one class of Her Majesty's subjects, and not for all. For three consecutive years they had passed Bills of that nature, none of which had been printed. The right hon. Gentleman, the Home Secretary, had said that those Bills were printed, but from inquiries which he had made he believed the right hon. Gentleman was mistaken. [MR. BOUVERIE handed the hon. Gentleman a printed copy of the Bill.] Well, he believed he might say that the Bill had never reached himself or hon. Members before. Why should it be rendered necessary to pass an indemnity Bill to protect persons omitting to make a declaration that was perfectly obsolete, useless, and ought to be blotted out of their statute book? He called the declaration which parties were called upon to make on taking certain offices a test, which had the effect in many instances of preventing men of fine mind from accepting office. The mere fact that it was necessary to pass an Indemnity Bill every year for protection of persons who did not make the declaration was a strong argument in favour of abolishing all tests of this description.

Amendment proposed,

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'this House, having, during each of thirty-one consecutive years, passed a Bill, which became Law, for indemnifying persons liable to make and subscribe, but who had not made and subscribed, the Declaration imposed by the Act of the ninth year of King George the Fourth, chapter seventeen, and having during each of three consecutive Sessions passed a Bill for abolishing such Declaration, will not be satisfied with any measure respecting such Declaration, except one for its abolition,"

—instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

SIR GEORGE LEWIS said, the hon. Member had taken a very singular mode of benefiting the class whose cause he advocated, as his Motion, if carried would have the effect of rejecting the Indemnity Bill. He could not suppose that was his object, as the Bill indemnified persons who, by omitting to make the declarations required of officials and others, rendered themselves liable to penalties. He hoped the House would persist in the policy it had pursued for a number of years, and consent to go into Committee. The hon. Member really wished to engraft on this Bill that measure which he had passed through the House in the early part of the Session, but which had been rejected by the other House. It was a rule of the House that no Bill which it had passed could be re-introduced in the same Session, and the hon. Member, therefore, sought to evade that rule by the course he now adopted. His Bill was rejected in the Lords upon the second reading, by a majority of 49 to 38, and the more legitimate mode of proceeding would be to bring forward the same Bill in the next Session.

MR. ROEBUCK said, he would remind the right hon. Baronet that the Test and Corporation Act was repealed upon the ground that, instead of passing annually an Indemnity Bill, as they had done time out of mind, to shield persons who did not take the declarations under that Act, they ought entirely to erase the Act from the statute book. He did not understand why, in the present case, the same argument should not apply to the wiping away entirely the test to which his hon. Colleague referred.

SIR MORTON PETO said, he would strongly advise his hon. Friend (Mr. Hadfield) not to divide the House upon his Amendment. At the same time he would express a hope that the Government would take up in the next Session the Bill which had three times passed the House.

MR. NEWDEGATE said, there was a vast difference between the declarations formerly required by the Test and Corporation Act which were declarations of religious belief, and that imposed by the Act to which the hon. Member's Motion applied. The latter declaration was only to the effect that a person admitted to any corporate office should not use the power thus accruing to him for the purpose of attacking the Church of England. That was not a grievous restriction, and he could not participate in the objections which had been urged to it by the hon. Member. He trusted he would, therefore, not interrupt the passing of the Indemnity Bill, which he himself admitted was necessary in other cases.

MR. HADFIELD said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

House in Committee.

(In the Committee.)

Clause 1 (Qualification of Persons),

MR. HADFIELD said, it was not his intention to move the other Amendment of which he had given notice, but if he took his seat in the House next year he would re-introduce his Bill.

Clause *agreed to,* as were the remaining clauses.

Preamble *agreed to.*

House *resumed.*

Bill *reported,* without Amendment; to be read 3° *To-morrow.*

LUNACY REGULATION BILL.

SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL said, he rose to move the second reading of the Bill. It was the same in substance as that which was read, *pro formâ,* a second time by the House in 1858, and, on the Motion of the then Solicitor General, the hon. and learned Member for Belfast, referred to the Committee on Lunacy. That Committee made a report in July last year, and their recommendations had in some respects been followed in the present measure. The object of the measure was twofold—to provide for the more frequent visiting of lunatics under the care of the Court of Chancery, and to diminish the expense of the procedure. Upon one point the Bill did not adopt the recommendations of the Committee. It did not, as they suggested, propose to transfer the care of Chancery lunatics from the visitors in lunacy to the Lunacy Commissioners. There were under the care of the Court of Chancery 626 lunatics, and their aggregate incomes amounted to £333,000 per annum — a sum abundantly sufficient for defraying the expense of visitation by the present visitors; and it would be found that the duties cast upon those visitors were abundantly sufficient to occupy the whole of time at their disposal. It would be also found that the time of the Lunacy Commissioners was fully occupied. They had under their care at present 35,955 patients in asylums and public institutions; and those patients were to be visited at least twice, and in some instances four times yearly. The House ought, therefore, if they adopted the recommendation in the report, either to diminish the sphere of duty, or add to the number of the Commissioners; and under the circumstances it was deemed advisable to depart from the recommendation of the Committee on that particular point.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. HENLEY said, he rose to ask the Government to postpone the Bill, at all events, for a week, until his right hon. Friend (Mr. Walpole), the Chairman of the Committee, who was prevented by domestic affliction from attending that day, should be in his place and have an opportunity of stating his objections to it. For his own part, he doubted whether the Bill were an improvement on the existing system. It was a remarkable fact that less care was taken of the rich Chancery lunatics than of any other persons so afflicted. The pauper lunatics were visited once a month, and the patients in public and private asylums were visited at least six times in the year; but Chancery lunatics only received one visit in the year, and sometimes eighteen months elapsed between the visits of the Chancery visitors. He saw no proposition in the Bill to secure the Chancery lunatics in future from a state of things which could only exist under the Court of Chancery. It was stated in evidence that one of the visitors suggested a certain course of action which he thought would be beneficial to the lunatics; but when the recommendation came under the vigilant eyes of the Chancery official, he immediately said it was impertinent, and ought not to be put in the report. What might have proved a consolation to the lunatics was struck out, and never came before the Lord Chancellor at all. At present the Chancery visitors consisted of three persons—two doctors and one lawyer—but the Bill provided that in future the visitors should be one doctor and one lawyer. As there were 626 lunatics scattered all over the country they could hardly receive more than one visit each in the year from those gentlemen. There was certainly a provision that lunatics were not to be seen less than twice in the year, but the only machinery by which it could be carried into effect was cut out of the Bill. He would not give much for visits that were to be made in such a hurried manner. It was provided that the doctor and lawyer need not visit the patients at the same time, but he could not see how the condition of a lunatic was to be improved by the visit of a lawyer. The provision of the Bill which gave a new power of dealing with the property of lunatics under a certain amount was as important as any in the Bill. He deemed it a beneficial provision, but its advantage would be very much impaired if these unfortunate persons, scattered all over the country, were to be driven up to one of the Chancery offices in London to get the benefit of the proposed arrangement. There ought to be some machinery by which the benefit of that provision might be more easily obtainable over the length and breadth of the land. There was a clause in the Bill enabling pensions to be given to the present visitors, but he did not know on what principle they were supposed to be entitled to pensions at all. He would, therefore, move the postponement of the second reading for a week, in order that his right hon. Friend the Member for Cambridge University, who had devoted so much time and attention to the subject, might have an opportunity of urging whatever objections he entertained to the measure.

Motion made, and Question proposed, "That the Debate be now adjourned."

The ATTORNEY GENERAL said, he hoped the right hon. Gentleman would not persevere in his Motion. He the (Attorney General) would not ask for the Committee till that day week, so that every object which the right hon. Gentleman who was absent (Mr. Walpole) had in view might be secured.

Mr. HENLEY said, he understood his right hon. Friend (Mr. Walpole) to object to the second reading of the Bill at all.

Mr. CONINGHAM said, he had come down to oppose the Bill. He could not but condemn the proposals for compensation in the Bill; and it was his strong opinion that, considering the amount of work to be done, it would be far better to appoint two medical men as visitors than one medical man and one lawyer.

Sir GEORGE GREY said, that if the right hon. Gentleman (Mr. Henley) persisted in the Motion he had made, it would preclude the Bill from being gone on with that Session. He hoped the right hon. Gentleman would agree to the proposal of his hon. and learned Friend the Attorney General to go into Committee on that day week. The Bill was brought in with the approbation of the Lunacy Commissioners and the late Lord Chancellor. The present Lord Chancellor was also of opinion that some change was necessary, but he did not regard that Bill as a final arrangement. He believed the Lord Chancellor thought that the two visitors should both be medical men. He was much dissatisfied with the present arrangement, and he thought it better to make some such change as that now proposed, to provide that amount of supervision which was necessary for the safety of the patients.

Mr. HENLEY said, that after the statement of the right hon. Baronet he would take the course suggested, on the understanding that his right hon. Friend (Mr. Walpole), on that day week, should not be considered to take an improper course if, on going into Committee, he brought forward a Motion on the subject. He believed the great objection to the Bill was that it would stand in the way of a consolidation of the law relating to Chancery lunatics. Perhaps the hon. and learned Attorney General would consider whether the Bill could not be limited as to time.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Bill read 2°, and *committed* for *Wednesday*.

Mr. Henley

LACE FACTORIES BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 (Recited Acts to apply to Lace Factories, and to the Employment of Females, young Persons, Youths, and Children therein),

Mr. BERNAL OSBORNE said, if the Bill were what it pretended to be, he should have offered no objection to it. The Factory Act was generally admitted to have proved a blessing to the country at large. It was one of the best efforts of domestic legislation which had ever passed, but the Bill before the Committee was certainly a reversal of the policy adopted in that Act as regards women and children engaged in factories. That policy was that they should not be worked beyond their physical powers. Their hours of labour were restricted by the Factory Act to between six a.m. and six p.m., and on Saturdays to between six a.m. and two p.m., with an hour and a half for meals. No child was allowed by the Factory Act to work more than half a day up to the age of thirteen, the other half being spent at school; and no boy was permitted to do the work of a man till he was eighteen years of age. But what were the innovations proposed by this Bill, which, they were told, was mainly founded on the provisions of the Factory Act? The meal hours were entirely left to the arbitrary discretion of the masters. The hands were to be allowed to go to their meals irregularly. The age when boys were to act as men was reduced from eighteen to sixteen; and what was worse the age of children was reduced from thirteen to eleven. The hours of work were extended from two p.m. to half-past four on Saturdays, two hours and a half more than the Factory Act permitted. All these innovations, instead of being in favour of the women and children, were in favour of the masters; and he thought the House was bound to look with peculiar jealousy at any Bill which favoured the masters alone. It had been said that the Bill was founded on the Report of Mr. Seymour Tremenheere; but it was not so. His recommendations were that from the 1st of August, 1862, the Factories Act should be applied to the lace factories, subject to two exceptions—one, that boys above the age of sixteen should be allowed to work between the hours of four a.m. and ten p.m., but not more than nine hours within that time; and the other, that the provisions of the Factories Act as to the fencing of the main shaft of machinery should not be required. He (Mr. Bernal Osborne) did not intend to move anything against the Bill, because he thought Amendments might be made in it in Committee. He hoped the House would give him their support in moving those Amendments.

LORD HENRY LENNOX said, he hoped the Committee would give effect to the arguments which had been advanced by the hon. Gentleman. Two or three years ago a large number of petitions had been presented to the House, signed by something like 10,000 persons engaged in the lace manufacture in Nottingham and Manchester, praying for legislation on the subject; but in deference to the wishes of the masters an inquiry was instituted. A Commissioner was accordingly sent down into the district, and to the great surprise of the operatives, who had prepared a case disclosing the great hardships under which they suffered, they were met by the masters, who admitted that the alleged hardships did exist, that legislation was necessary, and that it should proceed on the basis of Mr. Grainger's Report presented twenty years ago. The Committee would, therefore, bear in mind, if there were no distinct cases of hardship embraced in Mr. Seymour Tremenheere's Report, it was not the fault of the operatives, who had no opportunity of bringing them forward.

COLONEL FRENCH said, he wished to have some statement from his right hon. Friend the Home Secretary whether it was his intention to adhere to the policy of the Factory Act. In the absence of such a statement the better course would be to report Progress at once, and say whether they should go on with the Bill.

SIR GEORGE LEWIS said, he was quite prepared to discuss any Amendment that might be proposed in the Committee. Hon. Gentlemen who had read the Report of Mr. Seymour Tremenheere would have seen that his object was to investigate the problem how far the provisions of the Acts regulating factories for the spinning of cotton and other textile fabrics could be applied to the peculiar case of the lace factories. It was admitted on all hands that there was a difference in the manufactures. Several proposals which were made in former years to extend the Factory Acts to lace manufactures were always resisted on the ground of the peculiar circumstances of the lace manufacture. Mr. Seymour Tremenheere examined the subject very carefully; he showed what were the distinctions between the two manufactures, and recommended some special regulations, no doubt, founded on the principle of the Factory Act, but different, for the reasons he assigned. He wished the Committee to understand that the Bill was entirely in conformity with the views of Mr. Seymour Tremenheere, who had conducted a detailed investigation into the trade with great industry and success, and in a manner conciliatory both to the masters and men. The hon. Member for Nottingham, the chief seat of the lace manufacture, would be able to give more information on the subject; but, as no advantage would result from reporting Progress, he hoped the Committee would now proceed to discuss the different clauses of the Bill.

MR. COBBETT said, he understood that the right hon. Gentleman, in introducing the Bill, described it as one which there was no occasion to discuss, as it was founded on the report of Mr. Seymour Tremenheere, which would be found to contain the substance and provisions of the measure. The right hon. Gentleman now repeated that the Bill was founded on the recommendations of Mr. Seymour Tremenheere. If it were so, he should have made no observations on this occasion; but, on the other hand, he felt bound to say the Bill seemed so adverse to the report of Mr. Seymour Tremenheere that the House ought to discuss that question before it went any further. His hon. Friend had not gone fully into the report of Mr. Seymour Tremenheere, and he might, therefore, state that the Commissioner, having examined on the spot the masters and workmen, had divided them into two classes—Firstly, the opponents of legislation altogether; secondly, those adverse to legislation on such matters upon principle, but who thought that in this, as in the factory case, there was a necessity for legislation. That last class comprised a very large body of master manufacturers, to whose evidence he referred, and all of whom agreed more or less to that which he reported—that a Bill should be brought in. He closed his statement with regard to this class of opponents by saying that the particular modifications they suggested were various. He then proceeded, "The conclusion I have come to, upon a careful consideration of the whole, is," &c. Here, then, was a gentleman, commissioned to examine into questions of this kind, and on whose reports to the Crown one or two Acts of Parliament had been passed. He had applied his mind to the examination of the subject, and, after due consideration, what did he say?—

> "I recommend that, from and after the 1st of August, 1862, the Factory Acts should be applied to the lace manufacture, subject to the following exceptions:—1. That youths above the age of sixteen should be permitted to work between the hours of four a.m. and ten p.m.; but not more than nine hours within those hours. 2. That the provisions of the Factory Acts, in regard to requiring machinery to be fenced off, should not extend to the lace manufacture."

These were the only two exceptions. He did not attribute much importance to the latter exception of fencing off the machinery. The only real exception was that youths of the age of sixteen should be permitted to work between the hours of four a.m. and ten p.m., but not more than nine hours within those hours. How did that differ from the Factory Acts in existence? A young person at eighteen might be made to work the full factory hours, from six a.m. till six p.m.; or, being a male, to work in the night time; but that could scarcely be done. Were they, then, to go to the Commissioner? He must say on all these questions he was against employing a Commissioner to meet the masters on one side and the operatives on the other, and decide between the two. He would much rather have a Select Committee of that House for obtaining evidence on which to found an Act of Parliament; but, at any rate, they had got the report of Mr. Commissioner Tremenheere that the Factory Act should be extended to the lace manufacture, with the exception that they might take a boy of sixteen out of his bed at four a.m. and make him work till ten p.m., only employing him nine hours within that period. But the Bill was not framed in good faith, consistently with the Commissioner's report. The 4th Clause interfered with what was considered one of the most valuable parts of the Factory Acts—the half holiday, by extending the period of work from 2 p.m. to 4.30 p.m. Clause 5 extended the work of 10½ hours from young persons of thirteen to children of eleven. The noble Lord the Member for Chichester (Lord Henry Lennox) had given notice of an Amendment to that clause, and he should give it his support. When the age of thirteen was sought to be fixed by the Factory Act, the proposition met with the greatest opposition, and it was stated by the manufacturers that the effect of such a provision would be that there would be 35,000 children thrown out of employment. The clause, however, was carried, and he believed that not even five children had been thrown out of employment by it. There was another most important clause—he referred to Clause 6, which dealt in the most insidious manner with the meal hours. The great necessity had been to fix the meal hours; without that, men, women, and children were obliged to remain in the mill, and consume, in an unwholesome atmosphere, their food as best they could. In fact, up to 1833 factory operatives had no meal time. The 3 & 4 *Vict.*, c. 103, enacted that one hour and a half should, *bonâ fide*, be allowed for meals; but the mill did not stop, the machinery ran on, and that gave rise to the shifting system. Finding their intentions frustrated, the Legislature in the 7th Victoria fixed the meal hours more definitively, and declared that the operative should not be allowed to remain during those hours in any room in which any manufacturing process was carried on. That rendered it almost impossible that there should be any evasion; but still evasion did occur, and, therefore, by the Earl of Shaftesbury's Act of 1846 it was provided that if any of the restricted persons should be found in a mill at a breakfast or dinner hour they should be taken to be employed, and the master was fineable therefor. According to the report of Mr. Seymour Tremenheere these enactments ought not to be disturbed; but in the Bill there were special provisions to enable the masters to do that very thing towards the lace hands which the Legislature had so carefully provided masters should not do as regarded woollen and cotton spinners. The benefits given by the Factory Acts to the factory hands were specially excluded from the lace factories. The consequence would be that the breakfast and dinner hour would be virtually at the disposal of the master or overlooker. In short, the Bill was not a Factory or a Ten and Half Hours' Bill, but a Twelve Hours' Bill. He did not know who drew the Bill. It was said to be the Commissioner's Bill. If so they ought to have him before a Select Committee, to inquire why he had so far deviated from his own report. He hoped, at all events, the Committee would make the Bill conformable to Mr. Seymour Tremenheere's recommendations.

Clause *ordered* to stand part of the Bill.

Clause 2 (Youths between the Age of Sixteen and Eighteen may be employed between 4 a.m. and 10 p.m., but not more than Nine Hours between those Hours),

MR. PAGET said, he wished to move to insert in line 22 after the word "day" the words

> "And provided also that it shall not be lawful to employ any youth both earlier than six of the clock in the morning and later than six of the clock in the evening of the same day, nor to employ any youth both later than six of the clock in the evening of any day and earlier than six of the clock in the morning of the next succeeding day."

He was quite prepared to defend the clauses of the Bill, which were founded on the report of Mr. Seymour Tremenheere and the evidence he had collected with great ability and impartiality. Both masters and men agreed in their support of the Bill.

MR. BERNAL OSBORNE said, he could easily understand that no objections were taken to the provisions of the Bill by the masters or men; but he had spoken in the interest of women and children. He had carefully read the report of Mr. Seymour Tremenheere, and he defied the right hon. Gentleman to prove that this Bill was founded on its recommendations. He should propose a proviso requiring that a youth of sixteen should not be employed as a man without a surgeon's certificate that he was able for the work.

Amendment *agreed to.*

Clause *ordered* to stand part of the Bill.

Clause 3 was also *agreed to.*

Clause 4 (Women, Young Persons, and Children may be employed until half-past four o'clock on Saturdays),

MR. BERNAL OSBORNE said, he should move the omission of the clause. It proposed to extend the hours during which women and children engaged in lace factories might be employed in labour from two o'clock on Saturday, as fixed in the Factory Act, to four o'clock. He could see no reason for departing in the present case from the principle laid down in the Factory Act.

MR. PAGET said, he should support the clause. Lace factories were in a peculiar position. Besides the omission of the clause would prove no benefit to the operatives. When two men worked together their hours of labour were not above nine hours a day each; and it would be a great loss to them—in fact it would be a robbery on them—if they were not allowed to work for a few hours on a Saturday afternoon, as they would not be if they could not have the services of the threaders and winders when the warp came off. There were no class of men in Her Majesty's dominions who worked a shorter time; and any one that knew Nottingham, the principal seat of the lace trade, would be aware that there were thousands of small gardens in the environs of that town which were cultivated by the workmen. The work of the winders and threaders was exceedingly light. Even when they were sixteen hours in the factory, the "shifts" were so arranged as to be only ten hours actually at work, and were allowed to go out to play in the intervals.

LORD HENRY LENNOX suggested that the "shifts" might easily be arranged so as to allow the workpeople to have a half-holyday on Saturday. Besides the object of the measure was not for the benefit of the men, but for that of the women and children. In the first Factory Act the silk throwsters were exempted from the obligation placed upon cotton and woollen manufacturers to close at two o'clock on Saturday afternoons, but by a subsequent Act the silk throwsters were by their own request placed under the same rule.

MR. BERNAL OSBORNE denied that lace making was such a delightful business as the hon. Gentleman represented; on the contrary, he found it stated in the Report that the boys had pale and ghastly countenances, and did not seem to thrive. As to the argument that the men had gardens, the hon. Gentleman could not object to their being allowed two hours more a week to cultivate them.

SIR GEORGE LEWIS said, if he were not misinformed the workpeople themselves did not object to this clause. The Committee would, therefore, act with perfect safety in assenting to it. The principle of the Bill was that the regulations of the Factory Acts were to be extended to the lace trade, with certain adaptations. The provision contained in the clause was one of those adaptations, and he had yet heard no good argument against it.

LORD HENRY LENNOX stated that he had received letters from a great many operatives against the clause. The general feeling among the workpeople seemed to be that the clause should be omitted; but, at the same time, rather than endanger the Amendment of which he had given notice on the 5th Clause, they would consent to submit to what they considered an injustice.

Mr. COBBETT remarked that the arguments of the hon. Gentleman (Mr. Paget) were exactly the same as were employed against the Cotton Factories Act.

Mr. NEWDEGATE said, he saw no reason why the Committee should depart from the Factory Acts in the particular. It was for the moral as well as the physical advantage of the lace-workers that they should have a half-holyday on Saturdays.

Mr. AYRTON said, he hoped the right hon. Gentleman would give up the clause. Adam Smith had too truly said that his principles must lead to the degradation of the work-people unless those principles were held in check by higher considerations. It was said that though these unfortunate children were kept at the beck and call of their master for sixteen hours a day they were only worked ten. The truth was they could not work them sixteen hours, otherwise they undoubtedly would. He denied that factories or mines, or any other business could not be arranged with a due regard to decency and humanity.

Mr. PAGET remarked that, as Clause 1 stood, young persons could not be kept in lace factories for more than twelve hours a day. They could not, as he had already stated, be actually employed during the whole of that time. If he thought, with the hon. and learned Gentleman, that they could be confined for sixteen hours a day, he should at once agree to release them at two o'clock on Saturdays.

Mr. HENLEY said, that workpeople of all kinds were extremely anxious to get a half-holyday on Saturdays, and he should be sorry to see any class of factory operatives deprived of so valuable a privilege.

Mr. AYRTON said, that as he read the Bill, he certainly understood that a boy of eleven, who to all intents and purposes was still a child, could be taken into a factory at six in the morning and kept till ten at night.

Mr. COLLINS stated that, in the manufacturing districts in the north, no portion of the Factory Acts had given so much satisfaction as those clauses which enabled the workpeople to have Saturday afternoon to themselves. He should, therefore, vote for the Amendment.

Question put, "That Clause 4 stand part of the Bill."

The Committee *divided:*—Ayes 44; Noes 57: Majority 13.

Clause 5 (Interpretation of Terms),

Lord Henry Lennox

Lord HENRY LENNOX said, he rose to move that in both places in which the word "eleven" occurred in the clause the word "thirteen" should be substituted for it. His object was to extend to the lace trade that provision of the Factory Acts which prohibited the employment of children for more than half-time until they reached the age of thirteen. One objection which had been stated to his Amendment was that the work to which children were put in lace factories was comparatively light and easy. He did not deny that part of the work was so; but Mr. Grainger had shown, in his valuable reports, that the threading of bobbins, if carried on for a certain number of hours, was highly injurious to the eye-sight. It should be recollected, moreover, that the lace children were confined in heated rooms, that their ears were stunned by the noise of machinery driven by steam, and that they were compelled to swallow every working-day of their lives innumerable particles of blacklead. Another objection to his Amendment was that, if carried, it would be an inducement to the masters to evade the Act by having the winding and threading done in their own houses. His reply was that all experience showed that the enormous advantages to be derived from the use of steam would be quite sufficient to prevent any evasion of the Act in the manner thus contemplated. If children were allowed to become full-timers at the age of eleven, the inevitable result would be that the masters would not employ them at all until they reached that age. There would be no half-timers, and in that way the masters would avoid the expense of educating any portion of their hands; whereas, if his Amendment were agreed to, the masters must either employ children before they were thirteen years of age, or consent to lose their services altogether, as parents could not afford to allow their children to go about idle for so long a period. It might be said that the existing system of education under the Factory Acts was so perfect that children were now as far advanced at eleven as they used to be at thirteen years of age. He admitted that considerable progress had been made during the last few years, but there was still ample room for improvement in the mode of conducting education under the Factory Acts. Mr. Baker, one of the factory inspectors, stated in a recently published report that the system of education might be improved in many respects, and he pointed out the great evils which existed in the silk-throwing trade owing to young persons being made full-timers at the age of eleven. The evidence appended to the report of Mr. Tremenheere contained statements to the same effect from masters and others. Mr. William Simkins, a lace agent in Nottingham, said he had often thought it strange that the Factory Acts were not applied to the lace trade. There were difficulties about it, he added, some years ago, but he did not see any material difficulty now. Mr. Alderman Felkin of Nottingham, who had always been opposed to legislation, said his opinion was that the labour of women and children ought, after a reasonable delay, to be restricted within factory hours. It would thus be seen that his Amendment was supported by high authority. The lace-workers did not claim any special exemption for themselves. All he asked on their behalf was that the same advantages should now be extended to them which they would have obtained had they been included, as they ought to have been included, in the Factory Acts.

Amendment proposed, in page 3, line 18, to leave out the word "eleven" and insert the word "thirteen."

MR. PAGET said, that the number of children who were employed in these factories was small, and it would not be worth while for the factory owners to keep books and to make the necessary arrangements for carrying out the half-time system. Whatever age was fixed, no children under that age would would be employed. If, therefore, the Amendment was carried, children under thirteen would cease to be employed in lace factories; but, as there was a good deal of work which might be done in private houses, the effect would be to encourage contractors, who would get the children together in unwholesome and ill-ventilated houses, and watch them closely at their work lest a moment should be lost, because the profit of the contractors would be the difference between the cost of the labour to them and the price which they would obtain for it. The work in the lace factories was well known to be of the lightest description, with frequent intervals, during which children employed in them might go out of doors and play; and it differed materially from the work in cotton or woollen factories, where constant attendance had to be given to the machinery. He should be very sorry if the Bill were lost, because it would in a great measure prevent the miserable results which sometimes arose from girls being employed until late hours in the evening, and their parents not knowing for certain when to expect them home; but the adoption of the Amendment would either lead to the work being done in houses over which the inspectors would have no control, or to only those children being employed who were over thirteen years of age. He thought he should be acting inconsistently with his desire to promote the education of children if he were to support the Amendment. They could not expect parents to give up the advantage of their children's labour long after the time when they were physically able to earn wages; and it was stated by the Education Commissioners that the effect of the Factory Acts in many instances had been that parents neglected the education of their children in their earlier years, depending on the education which they would receive later under the Factory Acts. If a parent received full wages from a child between the ages of eleven and thirteen he could afford to allow the younger children to have an education before attaining the age of eleven; but if the law compelled him to give up half the wages of the elder child he would be very apt to put the younger children to work under some contractor in order to fill up the gap. It was not a question of serious moment to the masters, but it was greatly to the interest of the children that the clause should stand as it appeared in the Bill.

MR. BERNAL OSBORNE said, the Amendment was perfectly in accordance with Mr. Seymour Tremenheere's report. The hon. Member for Nottingham (Mr. Paget) had treated it as if it were merely a question of education, but a higher consideration even than education ought to have some weight—he meant health—and he asserted that no child of eleven years of age could be kept at work 10½ hours daily without deterioration of its physical strength. He denied that the work would be sent to private houses, as the advantage of steam-power was so great that it would certainly be done where that power was available. Directly they had to deal with children working amid the whirl and whiz of machinery in a high temperature they were bound to follow out the provisions of the Factory Acts. He should support the Amendment—not to allow children to work full time until they were thirteen years of age.

MR. AYRTON said, the report of Mr. Seymour Tremenheere contained unanswerable arguments in favour of the noble Lord, and any one who read it must be convinced of the justice of the Amendment. The report was right, and the Bill wrong. He hoped the right hon. Gentleman the Home Secretary would adopt the reasoning of the Commissioner, and not the arguments which his hon. Friend the Member for Nottingham had felt it his duty to state to the Committee.

SIR GEORGE LEWIS said, his object had really been to mediate fairly between the interests concerned. It was not his object to give undue protection to the masters, or to withdraw from the workpeople any security which they might obtain under the strict provisions of the Factory Act. It was admitted on all hands that there was a considerable difference between lace and silk or cotton factories, and the existence of that difference had led to the postponement of legislation until that time. The question was whether the modifications which he proposed were unreasonable. It was said that he had not literally followed the report of the Commissioner. After the report was made it had become the subject of criticism and discussion. The Commissioner, having received representations on points of detail, had thought fit to modify his views, and the Government had thought it better to adapt the Bill to the altered convictions of the Commissioner rather than adhere to those which he originally entertained, because those altered convictions were the result of discussion and matured consideration. With regard to the question whether the age should be thirteen or eleven, he thought it would be more advantageous to the people to retain the clause as it stood, but if that opinion should turn out to be fallacious it would be very easy in a future Session to alter so small a detail. The Bill would put lace factories under the Factories Acts, and would do so very effectually, except in some small points like that. The danger was that if they screwed it up too tight the Bill would fail in its operation, either through its being evaded or the non-employment of the class of young persons whom it was intended to benefit. He could only judge from information which he received from persons who had investigated the subject; but he understood that there was a great difference between factory labour and lace labour, and that young persons were worked with much less severity in lace than in cotton factories. One great difference was that they could sit

down, and there were greater intervals of rest during their work. As his hon. Friend the Member for Nottingham (Mr. Paget) had pointed out, the masters might cease to employ children under the age of thirteen, and certain portions of the work might be taken to their homes, which were probably much more close and unwholesome than the factory. He would suggest that they should watch the operation of the Bill, and if thirteen or twelve should turn out to be a better age than eleven, they might amend it in a future Session. It was better to proceed cautiously, and not to take a leap in the dark. He should, therefore, advise the Committee to agree to the clause as it stood.

MR. NEWDEGATE said, that all the experience which they had had of the Factory Act proved that the age of thirteen years was an advantageous limit, and when he was advised to proceed cautiously he took it as a warning not wittingly to sanction any retrogression. If they established a different limit by this Act from that which had been found advantageous under the Factory Act they might be told that it was the limit which they ought to adopt in the Factory Act. The arguments in favour of a departure from the general principle now recognized were, in his opinion, inconclusive. He did not think it would be a great misfortune if children under thirteen were employed at their own homes; and as to the Bill affecting only a few children, that was a good reason for not making the limit of age in lace factories an exception to the general rule. If there was such a great difference between lace and other factories as the right hon. Secretary for the Home Department seemed to infer they ought not to apply the Factory Act at all to the lace factories; but if they determined to apply it, they should adhere to the limit which the Factory Act assigned. If that limit operated unfavourably it would be time enough hereafter to amend the Act; but present experience was in favour of making the age of thirteen the limit, and he should, therefore, vote for the Amendment of the noble Lord.

MR. W. E. FORSTER said, the difficulty which they had to contend with was the natural wish of parents to get as much as they could out of their children, and he thought great weight attached to the objection that if too great a limit of age was insisted upon, an alteration would be made in the system of manufacture by which the children would have to exchange millwork under Government supervision for private work under the pressure of a hard taskmaster. If the mode of conducting the trade were once changed in that way it would not be easy to change it back again. Compromises rarely succeeded, but he would suggest twelve, instead of thirteen. They might begin at twelve, and, perhaps, they would get to thirteen in a year or two.

Mr. COLLINS remarked that he was rather inclined to think that twelve would be better than eleven or thirteen.

Mr. COBBETT objected to tampering with the Factory Act. The proposed measure was a retrograde movement, or would lead to it, and Mr. Walker of Bradford, in a letter to him, after expressing that opinion, said he would rather see the Bill thrown out than have the 6th Clause remain unamended. The Amendment was perfectly in accordance with Mr. Seymour Tremenheere's report, and when it was said that Mr. Seymour Tremenheere had reconsidered the question it was well to remember two or three dates. Mr. Seymour Tremenheere received his instructions on the 23rd of November, and made his report on the 20th of March. Four months were occupied in making inquiries. The Bill was introduced on the 31st of May, so that it could scarcely be said that an opinion formed in the interval between the 20th of March and the 31st of May was more matured than the opinion over which it prevailed. The Committee had reported in favour of legislating for children in lace factories as for children in cotton and woollen factories, and the noble Lord would only be doing right in adhering to that proposition. As to children being thrown out of employment, that argument was used in 1836, and was proved by experience to be entirely fallacious. Children were employed because the master wanted them; and if masters employed older persons they would have to give higher wages.

Sir GEORGE LEWIS said, he thought it a singular view to call the proposed clause retrograde legislation. At present there was no limit of age. He proposed to fix it at eleven; and because he did not fix it at thirteen it was said to be a retrograde step. If two people were walking, and one proposed to go eleven miles and the other thirteen, surely it could not be said that the one who went eleven miles went back, because he did not go thirteen? He did not wish to appear unreasonable; and, therefore, if it met with the general concurrence of the Committee, he would accept twelve instead of eleven.

Lord HENRY LENNOX said, that Mr. Seymour Tremenheere deliberately fixed the age at thirteen years, and the object of his Amendment was simply to carry out that gentleman's recommendation. He should, therefore, adhere to his Amendment. It was, moreover, an error to suppose there was a great deal of leisure in lace factories, as by double sets of bobbins and carriages, which were now provided by more than one-third of the trade, the labour was rendered continuous.

Question, "That the word 'Eleven' stand part of the clause, put, and *negatived.*"

Lord HENRY LENNOX moved to insert "thirteen."

Mr. W. E. FORSTER said, he should prefer "twelve."

Mr. NEWDEGATE said, there was a great demand for the labour of children, and they ought to be protected.

Mr. PAGET said, that with reference to what had fallen from the noble Lord (Lord Henry Lennox) it was quite a mistake to suppose that there was continuous labour where there was a double set of bobbin machines.

Question put, "That the word 'thirteen' be there inserted."

The Committee *divided*:—Ayes 60; Noes 56: Majority 4.

Clause *ordered* to stand part of the Bill.

Clause 6 (Time for Meals),

Mr. PAGET proposed that the words "five o'clock" should be substituted for "six o'clock" in the latter part of the clause.

Amendment *agreed to.*

Mr. COLLINS said, he should oppose the clause. The object of the Factory Acts was to secure to the workpeople a *bonâ fide* time in which they might take their meals in the same comfort as was enjoyed by other classes; and he saw no reason why the workers in lace factories should be placed in a different position in this respect from the workers in cotton factories. When persons brought biscuits or other refreshments with them into the factory, it was found practically impossible to carry out the intention of the Legislature.

Mr. PAGET said, it was absolutely necessary that the system of working by shifts should be carried on in these factories if the English manufacturer was not to be placed at a serious disadvantage with his French and Belgian rivals, who already trod very close on his heels. It would, however, be impossible to work by shifts if a lace factory must be cleared of all the workpeople in the same manner as in the cotton and woollen-factories. The enormous capital required to furnish machinery for lace-making rendered it of the utmost importance that that machinery should not be forced to remain longer idle than was absolutely necessary. In the interests of the workpeople, as well as of the employers, he trusted that the clause would be retained.

MR. BERNAL OSBORNE said, that all through that discussion the Government had made a very faint opposition to the propositions emanating from the other side of the House. If the Committee were now legislating wrongly, it was all the Government's fault in not supplying full information on the subject. They had heard that the report of Mr. Seymour Tremenheere had been reconsidered. Had there been any reports since then? And why was not the report of Mr. Redgrave, Inspector of Lace Factories, produced? As to what the hon. Member for Nottingham had said about foreign competition, that was the old exploded argument they had so often heard used against the Factory Acts. According to the evidence of Mr. Cox, a large employer, our manufacturers were now in a much better position than they were in before, particularly with regard to France, in consequence of the new treaty. Before that treaty the importation of lace into France was totally prohibited. The Home Secretary had described the Bill as a walking match, in which the right hon. Gentleman wished to go eleven miles and his hon. Friend thirteen; but unless its title was to be a pure misnomer the clause must be struck out. All who had voted for making the measure conform to the Factory Acts, and to the recommendations of Mr. Seymour Tremenheere, were bound to support the hon. Member for Knaresborough in resisting the clause.

MR. COBBETT said, that the omission from the Bill of the mealtime clause of the Factory Acts, which was framed with great care and circumspection, would have the practical effect of making the children work twelve hours a day. Say what they would, if the child was not to have his proper mealtimes away from the atmosphere of the factory, he must be held to be at continuous work from six to six. If the Commissioner had thought that the mealtime clause of the Factory Act would be destructive to the lace trade, he would surely have stated so in his report.

SIR GEORGE LEWIS said, that as the report by Mr. Redgrave, to which the hon. Member for Liskeard had referred, had no existence, it was impossible to produce it. [MR. B. OSBORNE: Is there no letter?] No letter. Mr. Redgrave might have written a private letter, but he had written no official document that could be produced to the House. As to the Commissioner not having reported on the subject of mealtimes, the difference between the labour in an ordinary factory and that carried on in a lace factory was so great that he supposed it could not have been conceived that anybody would propose to extend to the latter the restrictive regulations as to mealtimes now applicable to the former. He was unwilling to agree to the omission of the clause as it stood in the Bill; but he had no objection to add a proviso declaring that no woman, child, or young person should be employed in any manner during mealtimes.

MR. COLLINS said, he wished to ask the Chairman, whether it was not too late for such a Motion to be made, the question that the clause as amended stand part of the Bill having been previously put?

THE CHAIRMAN said, it was too late.

CAPTAIN STACPOOLE asked, whether the Bill would extend to Ireland?

MR. HENNESSY said, he trusted that the right hon. Gentleman, the Home Secretary, would be good enough to reply to the question.

SIR GEORGE LEWIS said, that before answering that question perhaps he would be permitted to put one in return, were there any lace factories in Ireland?

MR. BERNAL OSBORNE: Yes, in Limerick.

MR. HENNESSY: And the lace is the best that is made in the United Kingdom.

MR. CONINGHAM said, he should support the extension of the regulations of the Factory Acts relating to meal hours, upon sanitary grounds.

SIR GEORGE LEWIS said, he must plead ignorance of the fact that there were any lace manufactories in Ireland. The existing Factory Acts extended to Ireland, and there was a factory inspector for that country. The United Kingdom was mentioned in the preamble of the Bill, and, therefore, he apprehended that the proposed extension of the provisions of the

Factory Acts would apply both to Ireland and Scotland.

Question put, "That Clause 6, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 49; Noes 59: Majority 10.

The remaining Clauses and Schedules were *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

EPISCOPAL AND CAPITULAR ESTATES ACT CONTINUANCE, &c., BILL

SECOND READING.

Order for Second Reading read.

SIR GEORGE LEWIS said, he would move that this Bill be read the second time.

MR. HENLEY said, that the measure would naturally have attracted extremely little attention but for the beautiful hieroglyphic "&c." attached to the end of its modest title. Nothing could be more objectionable than the introduction of matter of substance into a Continuance Bill, and he trusted that the House would not allow matter to be inserted in the proposed continuance measure which, although it had nothing on earth to do with its purport, might possibly have slipped through without observation or discussion. The Bill professed to be a Bill "to continue the Act concerning the management of Episcopal and Capitular Estates in England, and further to amend certain Acts relating to the Ecclesiastical Commissioners for England." In these last words they had the development of the "&c." The first clause did what was rather a wonderful thing in ecclesiastical legislation; it recited a provision out of another Act of Parliament—namely, that it should not be necessary for a dean to hold a canonry residentiary. It was something extraordinary to enact that a man could not be a dean without being something else besides; but, nevertheless, the fact was so. The clause went on to say that, in spite of not holding a canonry residentiary, the person in question should be permitted to share in those benefits which a canon residentiary might have shared. It then declared that, prior to the passing of an Act of the 5th of Victoria, the Dean of Hereford had invariably held one of the six canonries residentiary founded in that cathedral church. But it seemed that, it not being necessary to his deanery that he should hold one of those canonries, he did not now hold one. The logic of the clause was very curious. The provision proceeded to say that the Dean and Chapter of Hereford were trustees of a certain charity in Ledbury called the Hospital of St. Catherine, and that it had been settled by the Court of Exchequer that the warden of that hospital should be one of the canons residentiary of Hereford Cathedral. The clause went on to say that the Dean not being a canon residentiary, and the Court of Exchequer having decided that none but a canon residentiary could be warden, therefore, the Dean of Hereford should be the warden. Without giving any opinion as to the propriety of the clause, he would only remark that the Ecclesiastical Commissioners found deans to be awkward persons to deal with, and he did not think the right hon. Gentleman would find them less awkward. He hoped the Government would consent to strike out from the Bill all that was not strictly continuance.

SIR GEORGE LEWIS said, he was not disposed to contest the point, especially at that period of the Session and that hour of the day; although he thought the clause was unobjectionable and not without precedent. He admitted, however, that it was an inconvenient practice to introduce new matter into a continuance Bill, and as it was objected to, he would be prepared to strike out the two clauses referred to in Committee.

Bill read 2°, and *committed* for *To-morrow.*

PROSECUTIONS EXPENSES BILL.

SECOND READING.

Order for Second Reading read.

SIR GEORGE LEWIS moved the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HENLEY said, he thought that was a worse Bill than the last they had discussed. Up to the year 1846 the expenses of prosecutions were borne one-half by the Government, and the other half by counties or towns. After 1846 the Government took the whole payment into their own hands, and set to work to cut down the allowances, which he did not believe were too extensive before. By the Bill it was proposed to give to the magistrates the power of making a scale of payments in each county and town, which was to be sanctioned by the Secretary for the Home Department. Now, if the Home Secretary was to sanction such a scale, he should like to know why the Treasury should not make the payment? It was unjust not to do so. The Bill might be made a means of getting rid of the obligation altogether. The Treasury had nothing to do but diminish their own scale —and there was nothing to prevent them doing so—and the expense would, by degrees, be thrown upon the rateable property of the country, which would be most unjust. He hoped the right hon. Gentleman would not press the Bill.

Sir GEORGE LEWIS said, he should be glad to withdraw the Bill if such a course would not be inconsistent with the engagements into which he had entered. There was a scale of allowances to witnesses, and the payments out of the Consolidated Fund were regulated according to that scale; but complaints were made in some counties that that scale was insufficient, and many representations of that nature had been made to him, especially from Yorkshire and Lancashire. The question he had to consider was whether he should be justified in recommending a general increase. But in many counties there was no complaint as to its sufficiency, and it would be a throwing away of the public money to make a general increase. Another plan was to alter the allowance in some counties, but he found it was not desirable to adopt that course. He had, therefore, suggested that a permissive power should be given to the magistrates to increase the allowances out of the county rate, and though they thought the whole amount should be paid out of the Consolidated Fund they reluctantly agreed to the proposal. It was in accordance with that engagement that he brought in the Bill. It must be remembered that the Bill was entirely permissive, and he thought the magistrates might very well be trusted with the power proposed. He, therefore, hoped the House would agree to the second reading of the measure.

Mr. SOTHERON ESTCOURT observed that the question to be dealt with was very embarrassing, for it was alleged that there was a failure of justice in consequence of the present low scale of allowances. He would suggest that as the insufficiency of the present scale of allowances was mostly felt in Lancashire and Yorkshire it would be better to limit the operation of the Bill to those counties, and if it worked well there it could be extended afterwards.

Sir WILLIAM MILES said, the dissatisfaction at the existing scale of allowances was more widely extended than his right hon. Friend seemed to think. The Commission which inquired into the subject two years ago, and of which he was a member, suggested some alterations, but certainly nothing like the provisions of the Bill, to give the Treasury power still further to reduce the scale of allowances. In one respect, at least, he hoped the Bill would be altered. If the justices sent in a new scale, and that scale was sanctioned by the Home Secretary it would become a permanent scale, while the charge upon the county-rate might afterwards be increased by a further reduction in the scale allowed by the Treasury.

Sir GEORGE LEWIS said, if the objection was to the Secretary of State fixing the fees he was prepared to transfer that power to the justices.

Mr. HENLEY said, that arrangement would only tend to throw odium upon them.

Debate *adjourned* till *To-morrow.*

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 25, 1861.

Minutes.] Public Bills.—1ª Durham University; Trustees (Scotland); Conjugal Rights (Scotland); Metropolitan Building Act Amendment.

2ª Dealers in Old Metals; Parochial and Burgh Schools (Scotland); Probates and Letters of Administration Act (Ireland) Amendment; Copyright of Designs; Crown Suits Limitation; Criminal Proceedings Oath Relief.

3ª Public Works (Ireland) (Advances and Repayment of Monies); White Herring Fishery (Scotland); Drunkenness (Ireland); Landlord and Tenant Law Amendment (Ireland) Act Proceedings; County Surveyors, &c. (Ireland); Locomotives.

EAST INDIA (HIGH COURTS OF JUDICATURE) BILL.—COMMITTEE.

Order of the Day for the House to be put into a Committee upon the East India (High Courts of Judicature) Bill read.

Moved, That the House do now resolve itself into a Committee on the said Bill.

The Earl of ELLENBOROUGH:—My Lords, I will, with your Lordships' permission, take this opportunity of explaining the objects of the several Amendments of which I have given notice, and the reasons which have induced me to submit them to your Lordships' consideration. Your Lordships have agreed to the second reading of this Bill as passed by the House of Commons. I shall not offer any further opposition to the principle of the measure. I understand that principle to be the amalgamation of the Sudder Court and the Supreme Court. I must observe that I cannot by any means agree in the reasoning on which that amalgamation is proposed. It appears to me that those two Courts are incongruous; that they have not what I believe, in chymical language, is called "affinity;"—that they have no liking for each other, but rather the contrary. It is not impossible that on that account, if not on any other, there may be considerable differences among the Members. No one looking at the present constitution of these two Courts can say with confidence what the result of an amalgamation will be. The Judges of the one bring with them the knowledge of the laws prevailing in the provinces; those of the Supreme Court the knowledge of the general law. I agree very much with the opinion given by one of the witnesses examined before the Committee, that probably the Judges of the Supreme Court will prove much too strong for the Judges of the Sudder, and will have everything their own way. I do not believe that that will be a desirable result. It will have an effect injurious to the administration of the law in the Provinces, and to the character of our courts generally. But if we are to establish this amalgamation, at least let us see how it will work before we introduce the system into the small courts throughout India. Let us see what will be the result as regards appeals to the Judicial Committee of the Privy Council. If it shall be a well-constituted Court—if it shall administer justice well—there will be none, or very few appeals, and their decisions will be generally upheld. If that shall be the case, there may perhaps be no objection to the plan: but it is desirable to see what will be the practical working of the experiment before we determine to extend it over the whole of the Provinces. We should make the Bill of a tentative and not of an ambitious character; we should see our way clearly before we finally decide on a matter of such great importance. There is one point on which I agree with the noble Earl the Under Secretary of State for India. When the Supreme Court was first established it was established to protect the Natives of India against the Europeans, and the Natives and Europeans against the Company's Government. One of these objects is no longer necessary, because the Government from which the Supreme Court emanates and that which rules the country are one: but the other reason for the existence of the Supreme Court—that of protecting the Natives against the Europeans—exists, and exists in still greater force than formerly, in consequence of the great increase in the number of Europeans in India. More than this, since they were established there has been a great extension of our dominion. I am willing to remedy any grievance that may really exist, but I would not go further than the necessity of the case, and the object of one of my Amendments is to provide that it shall be lawful for Her Majesty to appoint to the High Court at Fort William, in Bengal, two additional Judges, and to each of the High Courts at Madras and Bombay one. I think this provision, with an arrangement of a similar character for the Court in the North-West Provinces, if one should be established there, would be amply sufficient for the purpose of trying by experience how the system will work. Your Lordships must recollect that if an English Judge has not a knowledge of the Native language as well as a knowledge of the law he is utterly helpless in the Indian provinces without the assistance of a Judge speaking the language of and acquainted with the country in which he has to perform judicial functions. The advantage of an English Judge is this, that he comes with his mind fresh from this country. On his arrival—though not, perhaps, after he has lived for some time in India—he may be supposed to be free from local prejudices. But, my Lords, there is a most important and novel principle in this Bill which I hope your Lordships will reject. By this Bill the Crown has the absolute power of appointing all the Judges of those Courts—not only the lawyers sent from England, but also those members of the Civil Service who may have belonged to the judicial staff of India. That is a principle which I think your Lordships ought not to introduce in this Bill. It is entirely contrary to every pledge given in Parliament when the Act under which India is now governed was introduced. It is contrary to the practice which has hitherto prevailed, and I believe it is inconsistent with the interests of this country in India; and I am sure it is altogether inconsistent with the interests of India. It is inconsistent with the maintenance of the proper position of the Governor General. It is for him who sees the working of the law and the manner in which it is administered, to reward good conduct, ability, and honour. Those engaged in the courts of India should look up to him, the head of the Government there, and not look to some party in this country as the authority who was enabled to raise them to the highest positions in their profession—they should own no "foreign allegiance." As the Bill stands now, the Crown has an indefinite power of appointing barristers from this country to judgeships in those High Courts; so that a barrister who gets into Parliament, and who, for no matter what purpose, makes himself troublesome to the Government, may have an Indian Judgeship thrust down his throat. The office seems to have been created for the express purpose of buying the silence of the Bar. The Bill creates sixty Judges to administer the law in India—yet we are about to commence a contest with the other House in respect to the appointment of a single Judge. He is to have £5,000 a year ; yet both Houses seem to agree to the passing of a measure which will inflict upon India thirty-five Judges, each of whom is to have a salary of £5,000 a year. We have suffered the Natives of India to eat of the tree of knowledge, and they now know the reason of all that is done here. I entreat your Lordships not to think only of our own position in legislating for India ; do not expose the more deformed parts of our practical Government, and show the Natives of India that where we are not to suffer ourselves it matters not what burdens we impose on others. To do right, and to make them feel that we do so, is now absolutely essential to the carrying on of the Government. This Bill asks more than is necessary for the object which it contemplates. The universal practice of Parliament is to refuse to give more than is absolutely necessary, reserving the power of increasing the supplies when necessary. Government may, if it can, reduce expenditure ; but Parliament will never give a margin or an elasticity, as it was called by the noble Lord, to any establishment within the discretion of the Governor General to extend. No doubt pecuniary Votes of Credit are often given in the face of dangers threatening from abroad, but I never heard of a Vote of Credit for Judges to meet some possible demand for increased judicial expenditure. Of all qualities of the mind, perhaps the most rare is the judicial. The Bill proposes that thirty-five barristers shall be appointed to act as Judges in India. My Lords, there are not thirty-five, nor, perhaps, five men at the whole Bar, of whom any one could with safety predicate that they would make good Judges. Success at the Bar is no proof that a man will make a good Judge. Within my recollection, I have known more than one gentleman most successful at the Bar—good, able men, and sound lawyers—who yet made extremely indifferent Judges. The fact is that the very qualities which enable a man to attain distinction at the Bar are the very qualities which unfit him for the duties of the Bench. Do you suppose that because thirty-five barristers of five years' standing each may be represented to you as so many Lord Mansfields, you will find ten—ay, or five of that number, possessing judicial minds? A judicial mind is a gift of Providence, and most rare. These, my Lords, are the objects and reasons of the Amendments I am about to propose. I assure your Lordships that it has been very irksome to me to press myself so often during the last two or three weeks upon your attention; but, connected as I have been with India for so many years, I felt that I could not absolve myself from the performance of that duty, especially where I held a strong opinion. I deeply regret the loss which the country sustained by the deaths of Lord Dalhousie and Lord Elphinstone. Had they been living, and in your Lordships' House, they would have spoken on this question with much more recent knowledge and greater experience than I am able to do. Had they agreed with me in opinion I should have been greatly strengthened in the views which I have advanced to your Lordships, and had they disagreed with me I should at least have had the consolation of thinking that my apprehensions must of necessity be exaggerated. As it is I must only express my own sentiments; and, feeling as I do on this subject, I have opposed the Bill, and now propose these Amendments, because, as the measure now stands, I believe it to be inconsistent with the good government of India on old English constitutional principles, and incompatible with the fair administration of justice.

EARL DE GREY AND RIPON said, it was unnecessary for the noble Earl to offer the slightest apology to the House for contributing, as he always did upon questions of this nature, much valuable information. But, for his own part, he had never felt clearer as to the principle which should guide their Lordships in reference to the Amendments to be proposed by the noble Earl. When the noble Earl spoke of the peculiar aptitudes requisite for the administration of the law in India, it appeared to him that the very fact that two Courts, possessing different qualifications, were already in existence, afforded the strongest reason for bringing them together, and combining the judicial knowledge and the acquaintance with the habits of the people which formed their distinguishing characteristics. With regard to the question of the appointment of Judges, he thought it most objectionable that legal dignitaries should sit side by side upon the bench holding their commissions from different authorities. Such a system would not only prolong, but, in his opinion, would aggravate the evils to which the noble Earl objected. The large number of Judges for whose appointment power was taken under the Bill had, likewise, been objected to. The noble Earl was mistaken if he thought it was intended to fill up all these offices. He could assure their Lordships the Government had no intention of appointing any additional Judges; the only object which they had in view was to establish one High Court, by combining the two separate jurisdictions existing at each of the Presidencies. The question raised by the Amendments of which the noble Earl had given notice was whether it was, in the opinion of their Lordships, desirable to establish for India a High Court of judicature, upon the bench of which were to sit Judges deriving their authority from different sources and under different circumstances. Now Her Majesty's Government thought it very undesirable that these high judicial officers should exercise an authority derived as to some directly of the Crown, and as to others from an unequal and inferior power. If, therefore, the noble Earl moved his Amendments he should feel it his duty to oppose them.

LORD KINGSDOWN said, he did not mean to oppose the Bill which was founded on the recommendation of Commissioners of the very highest authority and introduced a principle which he did not dispute might be of use in India. But it was impossible to exaggerate the importance of this measure. By it the system of judicature now applied to 150,000,000 of Her Majesty's subjects was at once to be subverted and changed. The judicature of India at present consisted of a Supreme Court which exercised no appellate, and a Sudder Court which exercised little or no original jurisdiction. With respect to the application of law to the enormous population of India it would be a great mistake to suppose we had to deal with only two classes of people—Europeans or British-born subjects on the one hand and Native Indians on the other. What were called Native Indians, and the laws applicable to them, were divided into innumerable classes. There were Hindoos, Mahommedans, Parsees, Armenians, each class subdivided into many others. He believed that there were in India more than thirty different languages, and as many different sets of laws, religions, and customs, to the people who had become attached to each of which it was now proposed to apply one general measure for the administration of justice. His noble and learned Friend on the Woolsack was quite justified in his statement that if this Bill proved effectual for its objects it would mark this Session with an importance beyond any other within his recollection. But how the objects were to be effected he could not discern from the Bill. It proposed to introduce changes of the most surprizing character. The distinctive clauses were sufficiently clear. From the moment when it came into operation the Supreme and the Sudder Courts would be abolished, but the Bill contained no distinct provision with respect to the Courts or what was to be substituted for them. All that he found in the Bill was that they were to be composed of a certain number of that class which Sidney Smith called the *primum mobile* of all human affairs, barristers of six years' standing, a certain number of covenanted servants of the East India Company, and a certain number of Native Judges. He was far from saying that it might not be possible from these materials to constitute efficient Courts, and to provide for the administration of justice throughout India; but he did say that to do so would be a task of the greatest difficulty, and one which might well task the utmost powers of the ablest administrators. The Courts to be established under this Bill were to administer civil, criminal, Admiralty, and testamentary and matrimonial law—all different branches of law, which in this country were distributed among a number of different tribunals. Now, he did think that before their Lordships abolished what existed they ought to have some intimation of what was to be substituted for it. It might be very useful to introduce into the Sudder Courts that knowledge of law and of the principles of general jurisprudence which belonged to regularly educated lawyers, but would it be equally advantageous to introduce into the Supreme Courts persons who were not lawyers, and who, it was admitted, could know nothing of the system the important duties of which they were called on to perform? The Supreme Courts of the different provinces discharged their duties, as far as he had heard or had learned by his experience on the Judicial Committee, with efficiency, and with the confidence of those whose affairs they had to administer. Was it quite certain that the dignity, the weight, and the confidence which now attached to those Courts would be preserved by the new ones? He entertained doubts whether such would be the case. He entirely agreed with the observations which were made by his noble Friend (the Earl of Ellenborough) when the Council of India Bill was introduced, as to the extreme objection which existed to altering the state of things which was established in India, and with which the Natives were satisfied. As regarded the constitution of the Supreme Courts and their mode of administering their original jurisdiction, he doubted whether any alteration was required. The extent of their jurisdiction might probably be usefully increased, and there could be no doubt that the Sudder Courts might be greatly improved by combining the legal knowledge of the Judges of the Supreme Courts with the acquaintance with the local laws, and customs, and habits and language of the Natives, which might be found amongst the Judges of the Sudder Courts. He thought that out of those materials a satisfactory Court of Appeal might be constituted, and the enormous evil of appeals to England be greatly diminished. At present an immediate appeal to Her Majesty in Council lay from decrees both of the Supreme and Sudder Courts in all cases above a certain amount in value. If their Lordships could feel compassion for lawyers of any class, he was sure that they would pity those who had to decide these appeal cases, and they must at least commiserate the unfortunate persons who were the subject of such litigations. The whole of the proceedings were in writing of great length, extending sometimes to many hundred close printed folio pages. It was necessary to translate the whole of the record-pleadings, documents, and examination of witnesses, and judgments into English, and then to print them; and when the Judges in England came to the consideration of the case they did so with the firm assurance that in all probability nearly all the instruments produced by the Natives were forgeries, and nearly all the depositions of the witnesses were falsehoods. There was no exaggeration. The very nature of truth seemed not to be understood amongst Hindoos. He had been informed by a gentleman now holding a distinguished situation in this country that he was once engaged as counsel for an Indian of good position to maintain the validity of a will, which was beyond all doubt perfectly genuine. In support of the will witnesses were called to the number of a dozen, each of whom swore that he saw the testator affix the seal to the will and that he was of perfectly sound mind at the time. The truth was that not one of the witnesses had been present on the occasion; but the client justified the course he had taken in calling them on the ground that although the evidence was false, it was in support of a genuine instrument. That was the general feeling in India on the subject. These appeals were attended with great expense and delay, and involved the utter ruin of the parties interested, unless their means were very large; and after all the expense was incurred, and the best attention of the Judicial Commissioners had been given to the subject, it was often impossible from the nature of the case that the Judges could feel confidence in their judgment. He thought that by improving the Appeal Courts in India it might be possible to raise with advantage the sum below which no appeal was now allowed to this country, and by that means, and by the greater confidence which the Court would command, greatly to diminish the number of appeals to England. There was, however, one class of appeal cases in which he did not wish any change, and that was where the Government or their officers were concerned. There were a number of cases in which the Judges of the inferior courts were suspected of partiality in their decisions towards the Government or its officers. The cases in which that was more likely to occur than any other were those connected with the collector's courts. He did not know whether the Commission which used to be the court of appeal in such cases had been abolished;

but if not, he thought it would be necessary that some provision should be made on that point in the Bill. The appellate jurisdiction in Indian cases was exercised at present by the Judicial Committee of the Privy Council, with the assistance of two gentlemen of the highest character, ability, and weight, who had been Indian Judges, and who acted as assessors to the Committee. No one could desire to speak with greater respect than himself of the assessors, but he had never concealed his opinion that it was not right that such men as the present Vice-Chancellors, Sir William Page Wood, Sir Richard Kindersley, and Sir John Stuart, should be denied the rank of Privy Councillor, while it was conferred on the assessors. Those gentlemen were entitled to receive for their attendance some few hundred pounds a year in addition to their rank. They had no vote, but favoured the members of the Committee with their advice. The Court itself could not be formed by less than three members of the Committee who were sufficient for the decision of all other cases. There was often difficulty in procuring the attendance of sufficient numbers to constitute a Court, and this difficulty might be removed; or, at all events, diminished, if the assessors were made members of the Committee for the purpose of hearing appeals on which they now sat as assessors. He was afraid that, unless the Bill came out of Committee in a different shape from that in which it was at present it would not do any great credit to the Government, or be of any great advantage to the country. There seemed to be some difficulty of detail. One of the provisions enacted that the lawyers should not be less than one-third, and the covenanted servants not less than one-third, of the Judges constituting the Courts. Possibly they might want one or two additional covenanted or uncovenanted servants; and yet, as the Bill stood, they must appoint an equal additional number of lawyers, because the number of lawyers must not be less than one-third. In his opinion the House had a right to expect that a fuller outline of what was intended to be done under the provisions of the Bill should be contained in the Bill itself.

THE LORD CHANCELLOR regretted that the noble and learned Lord, to whom he had for years been accustomed to listen with pleasure and instruction should not have applied his great knowledge and experience to embodying in Amendments the points to which he had adverted. He should have been very glad to have had some propositions, the result of the noble and learned Lord's knowledge and experience, with regard to the appellate jurisdiction. But the noble and learned Lord contented himself with general criticism, without condescending to tell their Lordships in what particular manner the evils of which he complained ought to be remedied. It was, undoubtedly, true that there was a great deal of difficulty attending the appellate jurisdiction, arising partly from the want of moral and religious principle among the Natives. The noble and learned Lord had told them that the Natives acted on the principle that the end sanctified any description of means, and, therefore, if once a man persuaded himself that he had a good cause, he would adopt any iniquitous or nefarious mode for gaining that cause in a court of justice. Her Majesty's Government had not been inattentive to that consideration; and in the first place they hoped that by the union of the Supreme with the Sudder Courts a more sifting, searching, and satisfactory tribunal would be created; and they also hoped that when a single Court was established a better mode of procedure and more correct and accurate rules would be laid down, which, to a great extent, would have the effect probably of preventing appeals, but, at all events, of sending them up in a shapeless and expensive manner, and less likely to produce further litigation. But they did not stop there. That was the intention of the Bill, and the result of the constitution of the Court would be that certain Judges under a Commission would go into the provinces, and, for the most part, act as Judges in the first instance, and there decide cases which would afterwards probably be reviewed by the Court sitting as it were *in Banco*—a phrase used to denote the Judges in Westminster Hall sitting to examine the decisions of the Judges on circuit—and by that mode the Government hoped the number of appeals would be greatly diminished. They were asked how could they provide one system for the administration of justice for so many distinct races as existed in India? His noble and learned Friend knew, but probably it was not generally known to their Lordships, that at present throughout all India there was a very well organized local administration of justice. There were several courts, subordinating one to another, and terminating in the Sudder Adawlut as the Supreme Court of Appeal in civil causes. But they were confined to the administration of justice among the Natives, and European subjects scattered throughout the provinces were not amenable to their jurisdiction. In no possible way could they create a system of administration of justice applicable throughout all India except by amalgamating the two tribunals, Native and British, and sending Judges to try important cases in the first instance, which would afterwards be reviewed by the full Court, and such cases as required further review reserved for the Judicial Committee. That was the system proposed by the Bill, and with great submission he ventured to say it would not be wise to define it more explicitly. Defined it was already; but if they laid down rules in an Act of Parliament as to the particular manner in which a great jurisdiction was to be exercised, they would be bound in iron fetters, and if a mistake were made they could not meet the difficulty, for which otherwise it would be easy to provide. Therefore, he thought that with great wisdom, while the outline of the procedure and the Court was traced and the constitution of the Court accurately defined, the made of procedure was left to be filled up by particular powers, under letters patent issued by the Crown, which would be perfectly consistent with the ordinary rules which governed the administration of justice. As to the Amendments proposed by the noble Earl (the Earl of Ellenborough), he must say, speaking with diffidence, and not presuming to set his knowledge and experience against the knowledge and experience of the noble Earl, that he could not for a moment concur in them. They had, happily, made India part of what he might call the proper dominions of Her Majesty. They had brought India under the direct rule of the Crown. Now, it was the first prerogative of the Crown, and a prerogative always assuredly to be preserved, that the Crown was the source of justice, and from the Crown proceeded the appointment of Judges to administer justice. The preservation of that great prerogative, as of right due to the Crown, was accompanied with equal right and benefit to the subject; because, if the Crown was the great source from which proceeded justice, the Ministers of the Crown were responsible for the selection and appointment of Judges. That great principle, however, would be lost if the Amendment of the noble Earl to take away one-third part of the appointments from the Crown were adopted. If the noble Earl's Amendment were agreed to there would be two sets of Judges in India — the Queen's Judges, who would be looked on as Judges of the "first chop," and the Governor General's Judges, who would be regarded as Judges of an inferior class. If one of the Queen's Judges were sent down to any part of the country, his administration of justice would be regarded as of a higher order, while that of the Governor General's Judges would be looked upon as of secondary quality. It would also tend to destroy all uniformity and unanimity among the Judges. In fact, the noble Earl wished to introduce into the administration of justice that feeling which had prevailed in the army as to the distinction between Queen's troops and Company's troops. There could not be a greater mistake, both as to the principle and expediency, and he trusted their Lordships would not assent to it. With regard to the general observations of his noble and learned Friend (Lord Kingsdown), as far as he was able to follow them they did not at all appear to impeach the principle of the Bill, and he hoped, therefore, that their Lordships would now go into Committee.

LORD WENSLEYDALE said, that his experience in the Judical Committee of the Privy Council enabled him fully to confirm the statement of his noble and learned Friend (Lord Kingsdown) as to the character of the cases frequently brought from India. He approved of a system which would simplify the proceedings in the Indian Courts, and enable Judges more thoroughly to sift cases than they could at present.

Motion *agreed to*.

House in Committee accordingly.

(In the Committee.)

Clause 1 *agreed to*.

Clause 2 (Constitution of High Courts),

THE EARL OF ELLENBOROUGH moved to omit the clause, on the ground that it would place the whole of the patronage involved in the appointment of Judges in the hands of the Crown, contrary to pledges which had been formerly given. In fact, the principle asserted by the noble and learned Lord (the Lord Chancellor) would place the appointment, not only of the Superior Courts, but of the Judges of the Small Courts, the Zillah Courts, and the Sudder Courts—that was about one-half the patronage of India—in the hands of the Crown. The noble and learned Lord had said that the Judges of the Supreme

Court sent out from England would have a great deal more authority than those who were appointed by the Governor General. He must confess that he had some doubts upon that subject. The Natives of India were extremely clever in discovering the character of the individuals placed over them; and no person in India, be his rank or official position what it might, would have any other real weight than what he derived from his own personal qualities. It was the great advantage of that country that men stood or fell by their own personal abilities, and not in consequence of adventitious circumstances similar to those which existed in this country.

Moved, To omit Clause 2.

LORD LYVEDEN said, that nothing was more certain than that the Supreme Court Judges viewed the Sudder Court Judges with great contempt, on account of their ignorance of English law, while the Sudder Court Judges felt an equal contempt for the Judges of the Supreme Court on account of their ignorance of Indian law and custom. To combine these two Courts in harmony seemed, therefore, a great experiment; and he must confess that, rather than see it made all at once, he should prefer that they proceeded more gradually. The alteration proposed by the noble Earl seemed to him to be one which they ought to assent to. He knew very well that the Minister for India was often overwhelmed with applications from young barristers for Judgeships, which applications were accompanied by such testimonials of fitness, so recklessly given by the leaders of the Bar, that it was a very difficult matter to resist them. The greatest caution ought to be exercised in selecting those who displayed a judicial mind, because he fully agreed that it very often happened that able advocates made indifferent Judges.

LORD CRANWORTH felt the objection which had been pointed out by his noble and learned Friend as to the inconvenience of some of the Judges of the Courts of India deriving their authority from the Supreme power, while others derived theirs from a power which, however high it might be, was less than the highest. He thought it would be far better that all the Judges should be appointed by the Crown upon the recommendation of the Governor General. He saw no reason why the appointment of Indian Judges should be taken out of the category of other appointments, the principle of which was that some one should be responsible for them.

On Question, Whether the said clause shall stand part of the Bill?

Their Lordships *divided*:—Contents 48; Not-Contents 42: Majority 6.

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Somerset, D.

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Chichester, E.
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De Grey, E. [*Teller.*]
Devon, E.
Ducie, E.
Granville, E.
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Falmouth, V.
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London, Bp.

Belper, L.
Boyle, L. (*E. Cork and Orrery.*)
Clandeboye, L. (*L. Dufferin and Claneboye.*)

Cranworth, L.
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De Mauley, L.
De Tabley, L.
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Foley, L. [*Teller.*]
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Ellenborough, E.
Harrington, E.
Lonsdale, E.
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Malmesbury, E.
Nelson, E.
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Chelmsford, L.
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Colville of Culross, L. [*Teller.*]
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Kingsdown, L.
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Lyveden, L.
Polwarth, L.
Raglan, L.
Ravensworth, L.
Redesdale, L.
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Sondes, L.
Walsingham, L.
Wynford, L.

Resolved in the *Affirmative.*

THE EARL OF ELLENBOROUGH intimated that after that division it was not his intention to propose any other of his Amendments.

Amendments made; the Report thereof to be received *To-morrow.*

PAROCHIAL AND BURGH SCHOOLS (SCOTLAND) BILL—SECOND READING.

Order of the Day for the Second Reading read.

The Duke of ARGYLL, in moving the second reading of the Parochial and Burgh Schools (Scotland) Bill, said, it was a measure of considerable importance, the subject of which was keenly debated by their Lordships three or four years ago. But, as the measure was then strongly opposed by the majority of the Scotch Peers, it was rejected. It was felt that without some compromise no measure had much chance of passing, and he was happy to say that now, by the exertions of the Lord Advocate and others, an agreement had been come to, and he believed no objections would be made to the provisions of the Bill. The chief provisions of the measure were to provide an increased salary to the parochial schoolmasters of Scotland; and, instead of the test now required from them by which they declared themselves to be members of the Established Church of Scotland, it was enacted they should give a pledge that they would not do anything contrary to the interests of that Church. This was a settlement of the question that was, perhaps, open to some objections; but it was necessary to consider what was the present state of public opinion. There were other provisions in the Bill, among them one for the removal of inefficient or superannuated schoolmasters, which was a matter of considerable importance in Scotland.

Moved, that the Bill be now read 2.ª

Lord KINNAIRD said, he should not oppose the second reading; but contended that the Bill totally sacrificed the principle that was successfully maintained in a former discussion. It was a revolutionary measure. By one clause it severed that connection between the parochial schools and the Church of Scotland which for nearly 300 years had been a blessing to the country, by securing a religious education to the people. The only party favourable to the Bill was a religious body in Scotland opposed to the Established Church. He should be glad to assent to any proposal for increasing the salaries of the schoolmasters—a most deserving body of men; but to do so it was not necessary to sever the connection between them and the Church. He should explain that the salaries of the parochial schoolmasters were fixed periodically, every twenty years. In 1853 one of these periods expired, and the new average, based on the price of grain, reduced the salaries by £3 or £4 a year. This was very hard on the schoolmasters. The majority of the heritors were willing to make up the deficiency. The Lord Advocate, however, who was a distinguished member of the Free Church, would not consent to do anything in the matter unless the connection of the schools with the Church were given up. It was only to please one section of religious Dissenters that this iniquitous proceeding was to be carried out. The measure was, moreover, in direct contradiction to the Report of the Commission presided over by the noble Duke below him (the Duke of Newcastle).

The Earl of GALLOWAY said, that the Ministers of the Church felt that this measure was a reflection upon their respectability and efficiency; and it was to be regretted that the matter had not been fairly and fully brought before the parties who were chiefly interested. He apprehended the greatest danger from the withdrawal of the religious test, and if anybody moved the rejection of the Bill he should vote for the Amendment.

The Duke of BUCCLEUCH said, it was very remarkable that this Bill was not brought forward till after the General Assembly of the Church of Scotland had ceased to sit. During the 300 years which the old system had existed the Ministers had always felt the greatest pride in the connection of their Church with the religious education of the people, and no objections had been raised either by the children or their parents to the mode in which the schoolmasters were appointed. There was a great deal in the measure which he thought very beneficial; but he did object to the severance between the Church of Scotland and the parochial schools.

The Earl of MINTO said, that whilst this Bill repealed one test it in fact enacted another, though the new one would no doubt not exclude so many as the old one. He felt he should be neglecting his duty if he did not strenuously protest against the new test.

The Earl of AIRLIE, without asserting that this Bill was perfect in all its details, supported its second reading, on the ground that it would secure most desirable objects, and expressed his opinion that the Government deserved great credit for introducing it.

LORD POLWARTH was most anxious that the condition of schoolmasters in Scotland should be improved, but he disapproved the provisions of this Bill, because it would, to a great extent, dissolve the connection which had so long existed between the parochial and burgh schools and the Church of Scotland.

On Question, *agreed to;* Bill read 2^a accordingly; and *committed* to a Committee of the Whole House on *To-morrow.*

LORD KINNAIRD gave notice that in Committee he should move the omission of Clauses 12 and 22, together with a portion of the preamble.

THE DUKE OF ARGYLL said, that the adoption of this Amendment would be tantamount to the rejection of the Bill, and he, therefore, hoped that noble Lords who were anxious that a measure upon this subject should pass this year would vote against it.

UNIVERSITIES ELECTIONS BILL.

COMMITTEE.

Order of the Day for the House to be put into a Committee on the University Elections Bill, read.

Moved, That the House do now resolve itself into a Committee on the said Bill.

THE BISHOP OF OXFORD said, their Lordships ought not hastily to make so great a change in the mode of voting in this country as was proposed in this Bill. He did not deny that there were advantages in the proposal, but, on the whole, it appeared to him that the disadvantages predominated. At first sight it might seem that a University was especially the constituency in which such an alteration of the law might most favourably be made; but, on reflection, it would be found that there were many other constituencies in which it might be done with more real benefit. One great objection to the Bill was that the Member for a University was intended to represent the University itself. Now, the special life of a University was embodied in the resident members rather than in those who, living at a distance, were subject probably to alien influences, and might exercise their franchise at variance with the interests and sympathies of the institution to represent which their Members were intended. Some check was imposed on these persons by the present system; which was also useful in bringing those who did vote into personal contact with residents. By that means the views of persons living in remove places, who had little intercourse with others and formed their opinions chiefly from the single newspaper which they read, might be remodelled in accordance with the feelings of the University. It was not right that a numerical majority of languid voters sending up their papers by post should be allowed to overpower the resident members, who represented the true mind of the body. He would not say that the Bill introduced the principle of proxy voting, but it certainly had a tendency to throw into the hands of certain resident members of the University a great number of non-resident votes, which they would have the power of presenting or withholding, just as they chose to sway the election. Such a practice would be very objectionable. The great University with which he was especially connected had never been consulted on the matter, and had petitioned against the Bill. It appeared to him most inexpedient at that late period of the Session to go into Committee on the Bill. He feared that many noble Lords who were in favour of the Bill would oppose Amendments intended to render it less objectionable merely in order to prevent delay by having it sent back to the other House.

THE EARL OF DERBY said, he presumed the right rev. Prelate was not present at the second reading of this Bill, as he did not then oppose it, and had not given any notice suggesting opposition to it. So far from no notice of the Bill having been given to the Universities, it had been under the consideration of Parliament during the greater part of the present Session, and no petition had been presented from any one of the three Universities which were affected by the Bill against its provisions. In the House of Commons it had passed by a very large majority; and the President of the Council had been good enough to inform him that Her Majesty's Government would not offer any opposition to its passing in this House. From first to last he had never heard any objection to the principle which was involved in the measure, and he thought the objections of the right rev. Prelate not as conclusive as the arguments which they were accustomed to hear from him; but, on the contrary, somewhat contradictory. In the first place, the right rev. Prelate said that the Member ought to represent the mind of the University. But he would remind their Lorships that the University itself was more or less a representative body, and that one of the great interests which it mainly represented was the interest of the Established Church. The residents were, no doubt, a most useful and important body, but they were not the whole University body. An important component part of the members consisted of non-resident members, a large portion of whom were clergy of the Established Church resident in their particular parishes, and unable without great inconvenience to give their votes at a University election. The right rev. Prelate said the Bill would give undue power to the non-residents, and his next objection was entirely in opposition to that, because he said the residents would have an opportunity of exercising undue influence by collecting in their hands such an amount of voting papers as would turn the election. The right rev. Prelate said—First, that it gave too much power to the non-residents; and, next, that it gave too much power to the residents. The right rev. Prelate said there were many other constituencies to which it could be more advantageously applied. For his part, if he thought that the plan of voting papers would give a chance of doing away with undue influence and corruption, he should be very glad to see the principle applied to every constituency in the kingdom. When he had the opportunity of bringing before Parliament the great question of Parliamentary Reform one of the provisions which he introduced was a power of voting by papers, because he believed that a great number of electors would be enabled by that means to give their votes who were deprived of the power of giving them now. But, if a general option of voting by papers was not to be given, it was quite clear that there was a much stronger case for giving that power to the Universities than for any other constituency, because the constituencies of the Universities consisted of a greater proportion of non-resident voters and those who lived at a distance from the place of election. It was desirable that those of the electors for the Universities who wished to vote should have every facility for voting. There were at present only two alternatives for the poor country clergy. One was coming up to the poll at their own expense, which few of them could afford; the other was coming up at the expense of the candidate, which made a contest enormously expensive. Therefore, if there were any constituencies to which the principle of voting papers ought to be applied, they were the constituencies included in this Bill. Moreover, such was the character of these constituencies, that there was not the least reason to apprehend abuse, fraud, or corruption in the manner of dealing with the votes. The right rev. Prelate said that great advantage was obtained by the fact that members of the Universities who were resident in their quiet parsonages, reading only one paper a week, and taking their political views and opinions from that one paper, had the opportunity of coming to the University and partaking of the more enlarged views which prevailed there. But he confessed that he thought the time of a contested election an unfavourable moment for influence to be brought to bear upon the non-residents, and the right rev. Prelate must, therefore, forgive him if he did not attach much weight to that argument. It must also be remembered that there was nothing in the Bill to compel them to send up voting papers if they were not inclined to do so, and that the power was only given in case it was inconvenient either for the voters or the candidates to incur the expense of their coming to the poll. The right rev. Prelate admitted that the Bill did not sanction votes by proxy. That was the great argument which had been used against the Bill; but there was nothing of the tendency in its provisions. The person who handed in the vote was no more the proxy of the person who voted than the Postmaster General was the proxy of the person whose letter passed through his department; and he did not think that the right rev. Prelate would have said the person who was intrusted with the votes might abstain from giving in the papers if he had looked at the last clause, which declared withholding votes a misdemeanour. He did not mean to say that the machinery of the Bill might not be better adapted for the purpose, but he thought it better not to run the risk of losing a valuable measure by proposing Amendments at this period of the Session. In his opinion it was expedient to agree to the Bill in its present shape, and leave the task of amending minor details for a future occasion. He admitted that it was an experiment, and an experiment upon an important subject. The principle was more easily applied to the Universities than to any other constituencies, and, if successful, he should wish it to be further extended.

THE BISHOP OF LONDON said, he should be guilty of a dereliction of duty if he did not say that he thought the Bill would inflict great evils upon the University of Oxford. One of the objects of the reforms recommended by the University Commission of which he was a member was to increase the number of residents, and to make them a more important body than they were in former times. He had the deepest respect for the country clergy, but he did not feel that the Member for the University was in his proper place when he simply represented that body. He believed that the reason why many distinguished members for the University had held so high a position was because they were supposed to speak with the authority of the residents. It was now impossible for the country clergy to come up in such great numbers as entirely to annihilate the votes of the residents; but under this new system he believed that the Member for the University would simply be the representative of the country clergy. He could well understand the consternation which, if this Bill passed, would be caused in Oxford by the arrival at the poll of some rural dignitary who coming, perhaps, at the last moment with some hundred proxies (if he might so call them) in his pocket, would turn the scale and nullify the decision of the resident Masters of Arts. He thought, also, that there was a great deal in the observation of his right rev. Brother that it was beneficial to the country clergy to be brought into local communication with the residents of the University, and he did not believe that the country clergy themselves desired to be put in such a position that they would never have occasion to visit the University during the rest of their natural lives.

VISCOUNT DUNGANNON said, he was astonished at the alarm expressed by the two right rev. Prelates at a measure which would really confer a great benefit on the non-resident members of Convocation, and would be no detriment to the character of the constituency. He had often heard clergymen express their regret that they had no means of recording their votes except either by going to an expense which they could ill-afford, or else by augmenting the expenses of the candidates to an unfair degree. The measure would give proper facilities to the non-resident members without unfairly affecting the due influence of the resident members, and he should, therefore, give it his support.

VISCOUNT EBRINGTON thought the right rev. Prelate's arguments required the legal disfranchisement of the non-resident University electors, rather than the maintenance of the present almost prohibitory tax of trouble and expense upon the exercise of their legal franchise. He, however, supported the Bill, not so much for the sake of the particular constituencies to which it applied, as in the hope that it was the precursor of sounder legislation with regard to the rights of electors generally. The Legislature, it was clear, had never intended the vote of an elector to be looked upon as his property, otherwise he would have been entitled to dispose of it to his own advantage. If it were not a property, it must be a trust; and it was a contradiction in terms that the Legislature should impose a trust upon a certain number of persons, and then put unnecessary difficulties in the way of their exercising it. He (Viscount Ebrington) had, like many of their Lordships, had a good deal of experience in contested elections both in large and small constituencies. He did not, however, speak from that alone, but from public notoriety when he said that, whereas, in small constituencies nearly the whole, or, at least, considerably more than three-fourths, of the electors generally voted; in large constituencies for the most part very little more than half did so; and it was generally the most educated and wealthiest portion of the constituency which refrained from voting. In the borough of Marylebone, for instance, something like three-fourths of the electors in Cromer Street and that poor neighbourhood voted, while fully an equal proportion of the electors in the rich squares and terraces of Tyburnia refrained from voting. It was the opinion of a gentleman who had been engaged in a great number of large elections since 1843 that a system of voting papers was indispensable to a true representation of such constituencies. The difficulty of organizing the wealthier and more educated classes, he said, was immense; but the obedience of the ignorant masses to their leaders was implicit: and he followed up this opinion by a warning that the blind obedience shown by the Trades Unions in their strikes would one day be applied to political contests; and then it would be found how powerless was an unorganized, undisciplined, numerical majority, in presence of a well-organized and disciplined minority. He hoped that this Bill would lead the way to a better system of taking votes, and he should, therefore, support its committal.

EARL GRANVILLE said, the noble Earl opposite (the Earl of Derby) was quite correct in saying that it was not the intention of the Government to oppose the Bill, but at the same time they had not changed their opinions with regard to it. He quite concurred with the right rev. Prelate as to its practical effect.

THE BISHOP OF CARLISLE said, that, so far from swamping the opinions of the University, it appeared to him that this Bill would ascertain the opinions of the University. If his right rev. Brother meant that it would swamp the opinions of the resident members, possibly that might be so; but it should be recollected that recent legislation had given a preponderating power to the resident members, and he trusted that those who resided at a distance would be allowed an opportunity of recording their votes at University elections. He had been strongly urged by his clergy to support this measure, and if a division took place he should certainly do so.

THE DUKE OF NEWCASTLE thought that most of the speakers had allowed themselves to be diverted from the interests of the University, and had argued the case on collateral points, some advocating the Bill on the ground that it would pave the way for a larger measure, and would in time be applied to other constituencies; others upon the ground that it consulted the interests of the clergy who resided at a distance. Now, he should be glad to relieve the clergy from any trouble to which they were put in voting at University elections, nor did he object to the adoption of the system of voting papers in other constituencies, if means could be found for preventing fraud. Of this, however, he was not very hopeful, and until such a plan could be suggested the door would be opened to frauds which would more than counteract any advantages which could result from the use of voting papers. He could not help feeling, however, that the principle, whether it was good or bad, was a somewhat dangerous experiment as regarded this particular constituency. Some dangers would arise here which would not affect other constituencies, although the risk of fraud was not so great as it might be elsewhere. This measure would materially alter the character of the University representation. It would introduce a system of canvassing and electioneering among the members which would certainly be very undesirable. He doubted whether men of such high calibre as had hitherto been chosen would be elected as representatives of the University. But there was another evil as regarded the electors. If the Bill passed the country clergy in various districts would resolve themselves into a *caucus*, the influence of election clubs would be brought to bear, and much the same process would take place in the University itself, where influential members of the colleges would exert themselves to secure the return of a particular candidate, and there would be a clubbing of colleges separately against one another, instead of voting as one body, to be represented on the interests common to all. For these reasons he looked with some apprehension on this measure. At the same time, the House seemed disposed to try the experiment, and, no doubt, the matter was one which, though of much interest to their Lordships and the country, mainly affected the constitution of the House of Commons. The noble Earl opposite admitted that this was an experiment, and that, had the Bill been discussed at an earlier period of the Session, the machinery provided in the Bill might in some respects have been improved. The noble Earl also suggested that in a future Session this machinery might, if necessary, be amended. Now, with a view to insure this result, would it not be desirable to limit the operation of the Bill, say, to three years? He was sure that their Lordships had the interests of the Universities alone at heart, and did not look upon this as any party question. For his part, he did not know how the Bill could affect the return of Members of one party or another. Now, if they made the Bill a temporary one, so that a general election might take place within the period it was in operation, their Lordships would see how it worked, and would thus effectually reserve to themselves the power of revision.

THE EARL OF POWIS said a few words in reply.

On Question, *agreed to;*

House in Committee accordingly.

Clauses *agreed to.*

THE DUKE OF NEWCASTLE moved an additional clause, that this Act should continue in force for a period of three years or the end of the then Session of Parliament. ["Five, five."] He had no objection to substitute five years for three, if the House wished it.

Moved to insert the following Clause,

"That this Act shall continue until the First Day of *August* one thousand eight hundred and sixty-six, and no longer."

THE EARL OF DERBY said, he felt no objection to the Amendment, but he ventured to suggest that at this period of the Session it would be very undesirable to send any Amendment down to the House of Commons which could possibly be avoided. By all means let five years be substituted for three; but he would rather the noble Duke did not press the Amendment.

THE DUKE OF NEWCASTLE said, he would withdraw the Amendment.

Amendment (by leave of the House) *withdrawn.*

Bill *reported* without Amendment; and to be read 3ª *To-morrow.*

SALMON FISHERIES BILL.

COMMITTEE.

House in Committee (according to order),

Clauses 1 and 2 *agreed to.*

Clause 3 (Commencement of Act),

THE EARL OF MALMESBURY suggested an inconvenience which would arise from fixing the 1st of September for the Act coming into operation. In Scotland the "close time" did not commence until the 14th September. Considering that there was no chance of the Scotch Salmon Fisheries Bill becoming law this Session, it was, in his opinion, the more necessary to alter the date. He, therefore, proposed that the Act should come into operation on the 1st October instead of the 1st September.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 4 (Definitions),

THE EARL OF MALMESBURY said, the extraordinary list of names of species of fish he had read on a former evening was perfectly useless. The Bill was for the protection of the salmon fishery only. and all that they required was to make this clear. He moved, as an Amendment, that the definition should be, "all migratory fish of the genus salmon."

LORD RAVENSWORTH said, he thought that the noble Earl should have employed the word "species" instead of "genus."

THE EARL OF MALMESBURY contended that his definition would include all species of the genus salmon.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 4 to 20 *agreed to,* with Amendments.

Clause 21 (Weekly Close Time),

LORD RAVENSWORTH moved an Amendment, providing that the weekly close time should extend, instead of, as proposed by the Bill, from eight o'clock on Friday night to six o'clock on Monday morning, only from noon on Saturday to six o'clock on Monday.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 22 to 27 *agreed to,* with Amendments.

Clause 28 (Enforcing Free Gaps in Fishing Weirs),

THE EARL OF MALMESBURY moved the omission of the words forbidding the fishing with nets within fifty yards of the free gap of a mill dam or fishing weir.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 29 and 30 *agreed to.*

Clause 31 (General Superintendence of Fisheries by Home Office),

THE EARL OF MALMESBURY complained that this clause gave the Home Office the power of materially interfering with the rights of property, by the appointment of inspectors and water bailiffs, who would have the power, without the leave of the landowner, to pass along the banks of any water frequented by salmon and trout; and he proposed to insert this proviso, "provided that nothing herein contained shall enable the Home Office to authorize any person to enter the land of any proprietor contiguous to the river without his permission."

LORD STANLEY OF ALDERLEY said, no power would be given under the Bill to authorize trespassing in any way, and the Amendment was, therefore, unnecessary.

THE EARL OF MALMESBURY inquired whether, if one of these officials trespassed upon his land, under instructions issued by the Home Office, he could bring an action of trespass against him?

THE LORD CHANCELLOR said, that the instructions of the Home Secretary could give no more authority than those of anybody else, and any trespasser would be liable unless there was statutory authority to trespass.

LORD CHELMSFORD: But the question is whether statutory authority is not given.

Amendment *withdrawn.*

Clause *agreed to.*

Further Amendments made. Report of the Amendments to be received on *Monday next.*

IRREMOVABLE POOR BILL.

COMMITTEE.

Order of the Day for the House to be put into a Committee on this Bill read.

Moved, that the House do go into Committee upon this Bill.

LORD REDESDALE appealed to the Government to give further time to prepare Amendments. He admitted that there were grievances to be remedied, and that it was desirable to make some change; but this change was extremely violent, and would, he believed, work injustice. He wished particularly to direct attention to the great alteration in the value of property which would result from the new principle of rating provided by the Bill. In one union with which he was acquainted the rating of one parish would be reduced from £940 to £530, and that of another would be raised from £68 to £204. Such an alteration ought to be carefully considered, and there had been no time to consider it. The principle of the measure had been affirmed, and he had no desire to offer any factious opposition.

EARL GRANVILLE thought there was no reason whatever why they should not proceed with the Bill to-night.

On Question, *agreed to.*

House in Committee.

LORD REDESDALE said, that he had offered several suggestions, of none of which the Government had thought it necessary to take any notice, though they involved what he considered to be very important questions. He begged to give notice that on the third reading of the Bill he should move that the Bill have an effect which should be only temporary.

LORD WODEHOUSE said, he should not be prepared to agree to any such Amendment on the part of Her Majesty's Government.

Bill *reported* without Amendment, and to be read 3ª on *Monday next.*

CRIMINAL PROCEEDINGS OATH RELIEF BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD DENMAN moved the second reading of this Bill, the object of which he explained to be to enable persons who entertained a conscientious objection to take an oath to make a declaration instead.

LORD WENSLEYDALE supported the Bill.

LORD CHELMSFORD said, he had no intention of opposing the Bill, but feared that the change which it effected might have serious consequences. A vulgar notion prevailed among certain persons that if they could only escape from taking an oath they were under no obligation to tell the truth, and with this view various modes were adopted in order to evade the law, such as kissing the thumb instead of the Testament. It would be easy for such persons to allege a conscientious objection, and thus avoid taking any oath; and who was to decide as to the validity of such a plea?

LORD CRANWORTH agreed that such difficulties might by possibility arise out of this Bill; but, on the other hand, under the existing practice, there were frequent failures of justice from persons refusing to take the oath from conscientious scruples. He concurred entirely in the necessity of the measure.

THE LORD CHANCELLOR added his opinion in favour of the Bill, which he believed to be essential for the proper administration of the criminal law. Many cases had occurred in which justice had been altogether defeated from the want of such an enactment, and many such cases would occur again if this Bill were not passed into law.

On Question, *agreed to;* Bill read 2ª accordingly; and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at a quarter before Eleven o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, July 25, 1861.

MINUTES.]—NEW WRITS ISSUED.—For Morpeth, *v.* Right hon. Sir George Grey, Baronet, Secretary of State; for Oxford City, *v.* Right hon. Edward Cardwell, Chancellor of the Duchy of Lancaster.

PUBLIC BILLS.—2° Treasury Chest Fund; Lunatics (Scotland); Public Offices Site; Corrupt Practices Prevention Act (1854) Continuance.

3° Indemnity; Leases, &c., by Incumbents Restriction.

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee (Supply) read;

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

GENERAL PEEL: I am so fully aware of the very general, and I must say the very natural, indisposition of the House to listen to long statements of figures, that I should not venture to ask its attention to a matter relating to past expenditure, which has already been provided for by means to which I shall hereafter refer, if the subject was not of far greater importance than the Vote of £206,000 would appear to imply. This sum forms a very small portion of the excess of expenditure beyond the money voted by Parliament for army services in 1859-60, and I do not know how I can give a better idea of the importance of the subject than by drawing a comparison between the amount of this sum (spent without the authority of Parliament, and apparently without the knowledge of the Government) and some of those items of expenditure which have created the greatest interest during the present Session. Great alarm has been expressed at the amount required to build a new Foreign Office. The excess would have built five Foreign Offices. Another matter of the greatest interest is the amount required for the national education of the country, and complaints have been made of the gradual increase of that Vote; but this excess exceeds the whole amount required for the national education of the United Kingdom, and is five times the sum that we have been told would insure the permanent enrolment of 200,000 volunteers. It is to this excess, and the provision, or rather want of provision, made for it in the Budget of last year, that I wish to call the attention of the House. In referring to what took place on the 19th of March, 1860, when the Secretary for War moved the Vote of Credit to cover his expenditure, it may be supposed by some that my object is to claim some triumph over my noble Friend, or to find fault with the policy of the Government, that led to this expenditure; but it is neither the one or the other. If it was a mere question as to the accuracy of my statement on that occasion as compared with that of my noble Friend, I should consider that matter completely settled by the production of the account of the receipts and expenditure for Army and Militia Services for the year ending 31st March, 1860, which I now hold in my hand, and I should have been quite willing to leave it to the judgment of those Members who are in the habit of interesting themselves and paying attention to these matters; and as to the policy of the Government, I have not the slightest doubt that they were fully justified by what was passing at the time in exceeding the number of men voted by Parliament, which naturally entailed the increased expenditure; but what I complain of is that having done so they did not provide the means to meet it—that either they did not know, or, knowing (which I do not believe), they concealed from the House the amount required to meet the expenditure—that the calculations upon which the Budget was framed were erroneous, and that that Budget on the faith of the accuracy of which the House was called upon to make great changes in the taxation of the country, and to repeal the paper duty, was a delusion, and for that delusion the Chancellor of the Exchequer, in my opinion, was quite as much responsible as the Secretary for War. My right hon. Friend the Chancellor of the Exchequer has on two or three occasions alluded to what he was pleased to call a controversy going on between myself and the Secretary for War, with which he had nothing to do, and he has laid down this doctrine, "that if the Treasury undertook to cut down the demands of the Military Departments, it would be incurring a great responsibility;" and in this I entirely agree; and if I was Secretary for War I would take care that the Treasury did not so interfere. The number of men and means of defence required by the country is not in the province of either the Secretary for War or the Treasury to determine. That is settled by the Cabinet; and I take for granted that my noble Friend the Secretary for War did not proceed to raise a new regiment and exceed the number of men voted by Parliament by more than 22,000 men without first obtaining the sanction of his colleagues. Having done so it was the duty of the War Office, in the first instance, to frame the Estimates to cover the necessary expenditure; but all Estimates must be submitted to the Treasury, and obtain the sanction of the Treasury before they are laid upon the Table of this House. No Department can incur any expenditure not provided for in the Estimates without the direct sanction and authority of the Treasury; and this sanction, I maintain, makes the Treasury equally responsible with the Department for it. If this is not the case—if the Chancellor of the Exchequer is not responsible—then, I think this House ought to insist on having the Minister responsible for the Estimate and expenditure of upwards of fifteen millions of money, here to account for it. Nobody can bear more willing testimony than I do to the ability with which the hon. Gentleman, the Under Secretary for War has discharged the duties of the office. But he is not, and cannot be responsible for the accuracy of Estimates or expenditure over which he has no control. When the Chancellor of the Exchequer made his financial statement last year, he professed to provide for in it, not only all excess of expenditure that had already taken place in consequence of the Chinese war, but for all prospective expenditure not included in the Estimates that could be foreseen and estimated for, and he announced that in order to do so two Votes of Credit would be required, one of £850,000 to meet the expenditure of 1859-60; and another of £500,000 for 1860-1. On the 19th of March, 1860, my noble Friend the Secretary for War moved for the first Vote of Credit of £850,000, of which £500,000 was to be devoted to the army, and it was on that occasion that I expressed my opinion that £500,000 would not meet the excess of expenditure on five Votes alone of the ordinary Estimates of the year—namely, votes 2, 3, 4, 9, and 10 entirely dependent on the number of men borne on the establishment during the financial year, and I stated my grounds for coming to this conclusion—namely, that having framed those Estimates, and knowing that they were only calculated to provide for 134,600 men, including the embodied militia, and that the average number of men during the whole year exceeded 142,600 men, there must be an excess of expenditure amounting to at least this £500,000 on these five Votes, and that to meet the whole expenditure, the greatest portion of which had taken place in India and had been paid for by the Indian Government, that at least another £500,000 would be required, and I concluded by appealing to that time (which has now arrived) when the accounts are before us, to bear me out in this assertion. Now, what I said may be of very little importance, but what the Secretary for War—the Minister responsible to this House for the accuracy of these Estimates—said, is of such vital importance, that in order to prevent the possibility of my misquoting him, I will read from what I take to be a corrected copy of his speech, what he did say—

"He, too, would appeal to facts—not to estimates, but to formal accounts of the money which had been spent—and the House might rest assured that the Government were running into no excess beyond that met by the present Vote."—[3 *Hansard*, clvii. 920.]

General Peel

He then proceeded to enter into an explanation about an Army of Reserve which it had been intended to raise, but of which, as we have never heard a word more from that day to this, it is useless for me to dwell upon. And then he said—

"In the Estimates of 1859-60, which his right hon. and gallant Friend had moved, provision was made for 121,601 regular troops, in addition to £410,000 for militia, which would maintain 13,000 men during the year. In the Vote of Credit for China services for 1859-60, also moved by his right hon. and gallant Friend, £240,000 was taken for pay and allowances, which would maintain 7,000 men for one year, so that provision was made in that year for a total force of 141,600 men. In April of last year the force was less than this number by 14,000, which produced a saving of £43,200. In May there was a saving of 12,400 men, and of £37,000. The amount of saving then went on decreasing until November, the upshot being that if in March all the troops going from India to China had actually gone, there would be 15,000 in excess. In point of fact, however, it was known that the vessels which were to convey those troops had not sailed from Bombay and Calcutta in time to land the troops in China before the expiration of the financial year, and would not come within the Estimates until they were disembarked. There would thus be an excess of £97,000 for the payment of the men against £192,000 of savings accruing as he had mentioned in the early part of the year. To make all safe £50,000 had been added as a difference between the organization of the militia and the regular force, the militia having a greater number of officers in proportion to the men than the regular army. Again, £50,000 had been added for an increase which might occur upon the miscellaneous items of Vote 3, but with all these additions, which were stated to be more than ample, there was still £192,000 to meet the £187,000 of excess. But this was not all. Upon the Votes taken for buildings, stores, and so on, it invariably happened, he was sorry to say, that the deliveries were not fast enough to allow of the payments being made in the financial year, and there was almost a saving under this head. Accordingly there was this year a large saving upon the Vote of stores."

"As he had said, he would only assure the right hon. and gallant Officer that he had looked through the accounts with the greatest possible care, and he was confident that there was not only enough for the troops, but a surplus to provide against any deficiency."—[3 *Hansard*, clvii. 921-22.]

Now will the House believe that the whole of this statement is a mistake from the beginning to the end, and that there is hardly a correct figure in it. I never moved for any Vote of Credit of £240,000 to provide for 7,000 men on account of Chinese services, and for the best possible reason, there were no extraordinary services on China at the time I was in office. The attack on the Peiho only took place on the day, or the day after, Lord Derby's Government quitted office, and was not heard of in this country for some weeks afterwards. Equally fictious are the savings during the months of April, May, and June, &c.; and I was quite astonished at hearing that I had saved anything. It may be quite true that the number of men quoted may have been wanting to complete the regular army; but they were represented by embodied militia, for whom no provision had been taken but what had been deducted from the pay and allowances of the men voted by Parliament; and, in point of fact, there was no deficiency of men, and no saving. Well, Sir, we have now the accounts before us, and what is the result? On Vote 2, Pay and Allowances, there is an Excess of, £137 3*s.* 1*d.*; Vote 3, Miscellaneous Charges, £261,242 17*s.*; Vote 4, Embodied Militia, £245,240 11*s.* 7*d.*; Vote 9, Clothing &c., £265,753 12*s.* 7*d.*; Vote 10, Provisions, Fuel, and Light, £200,780 5*s.* 8*d.*: Total Excess in the Five Votes, £973,134 9*s.* 11*d.* And on Vote 11, for warlike stores (the savings upon which we were told would cover any excess of expenditure on the other Votes), there is absolutely, instead of any saving, an excess of £23,595 6*s.* 5*d.*, and the excess upon all the Votes amounts to £1,061,488 0*s.* 6*d.*, and deducting from this sum what is called the savings upon other Votes amounting to £243,093 4*s.* 4*d.* (which is in reality no saving at all, but a mere postponement of services that must be performed for a future year), which the Treasury have the power, under the Appropriation Act, of applying to meet the excess—there remains an excess of expenditure on the ordinary Estimates of the year of £818,394 16*s.* 2*d.* to be provided for. Now, let us examine the exact state of the account as to money absolutely spent and liabilities entered into, and the means provided by the Chancellor of the Exchequer in his first Budget to meet them. There is, first, this sum of £818,394 16*s.* 8*d.* in excess of the money provided by Parliament for the Estimates of the year; and there were two accounts due to the Indian Government—one of £443,896 for the previous Chinese expedition and Indian troops serving in China; and another of £611,000, which the Indian Government had informed the Government in January, 1860, would be required early in the spring, on account of advances made by them for army services for the Chinese War then carrying on. My right hon. Friend has stated that the Treasury did not know in which financial year, 1859-60 or 1860-1, these payments might be made; I will, therefore, take the two years together. In the one or the other the payments must be made, and the financial statement professed to provide for both. The account, therefore, would stand thus:—On account of excess of expenditure on Army Estimates, there was to be provided for, £818,394 16*s.*; on account of recent Chinese Expedition, £443,896; on account of present Chinese War, £611,000: Total, £1,873,290 16*s.* And to meet this there were two Votes of Credit—one of £850,000, and the other £500,000—making together £1,350,000. Thus leaving a deficiency of £523,290 16*s.*; and not one shilling was provided for the pay and allowances of 10,000 Native troops serving in China (who had not been voted by Parliament or provided for in the Estimates), or for the extra allowances to the regular forces, or for any naval services not provided for in the Estimates. I defy anybody to contradict the correctness of this statement. But the Chancellor of the Exchequer may ask—How was I to know that the Estimate of the Secretary for War was so erroneous? My reply is—How did I know it? The Treasury had far better means of testing its accuracy than I had. I could only calculate that if so many men cost so much in 1858–9, an additional number of men would cost so much more in 1859–60; and my calculation has proved quite correct. As to the first account claimed by the Indian Government, the Chancellor of the Exchequer had said that it was dragging its slow length through the Treasury, and he had no reason to know it would become payable during either of the financial years mentioned, and yet this sum is absolutely returned in the "Home Account of the Government of India," laid on the Table of this House, as having been received in the financial year 1859–60; and as to the other account, amounting to £611,000, the Indian Government had given notice to the Treasury in January, 1860, that it would be required early in the spring of that year. Now, Sir, I never thought that the Government could have been expected to foresee, at the time the financial statement was made, the certainty of a war with China, or that they were bound to provide for such a contingency; but they were bound to provide for the expenditure that had actually taken place, and for such prospective expenditure as, under the most favourable circumstances that could possibly be anticipated, must inevitably be incurred. If there had been no war—if the demands of the British Government had been at once acceded to—it would have been necessary to apply to Parliament for a million of money at least. And I do ask the House, if this had been all fairly and honestly stated, whether there would have been any collision between this House and the House of Lords, and whether this House would not have done, what the House of Lords, in my opinion, very wisely did—namely, refuse to remit the paper duty? I now wish, Sir, to call the attention of the House to the manner in which this excess of expenditure has been provided for. It arises almost entirely in the expenditure dependent on the number of men; and, in the account laid upon the table, an explanation is given of the cause of the excess, and the portion of it chargeable to the Chinese War. The whole excess on the five Votes I have referred to amounts to £973,154 9*s.* 11*d.*, of which £210,451 17*s.* is stated to be chargeable to the war in China; and it appears to me a very questionable stretch of the power of the Treasury to appropriate any larger portion of the Vote of Credit (which was granted by Parliament for the specific purpose of meeting the expense of the Chinese War) in reduction of this excess than the sum shown to be chargeable to that war, and such appropriation is directly contrary to the principle laid down by my noble Friend on the 12th of July, 1860, who, in answer to a question from me, stated—

> "And he asks me whether every sixpence of the £500,000 which we took has not been expended in making up the deficiency on the ordinary Estimates of last year? In the first place I have to reply that not one sixpence of that sum was applicable to making up any deficiency which might have occurred in the ordinary Estimates of last year. My gallant Friend, who is well acquainted with these matters, must have spoken without reflection, for he must have known that you cannot apply one farthing of a Vote of Credit to any purpose but that for which it was voted. You cannot spend it in making up an ordinary deficiency in the ordinary Estimate of the year. If his vaticinations, therefore, should prove correct, which I trust they will not, the deficiency will have to be made up by a Vote next year, specially taken to cover it. But so far from all that sum being spent in that way, we have reason to believe that a large portion of it still remains unexpended."—[3 *Hansard*, clix. 1813.]

I understand that the explanation of this is that there would have been a large saving upon Vote 11 for warlike stores, if it had not been for the China War; and that, as the Treasury would have had the power of appropriating that saving (as it has done the other so-called saving), in reduction of this excess, it is justified in taking an equal amount from the Vote of Credit. But I consider this an exaggeration of the power of the Treasury granted by the Appropriation Act, which applies to actual and not imaginary savings. I have no doubt it will be said that of the whole army expenditure (for 1859-60) £610,000 was owing to the Chinese War; and, therefore, we have a right to charge that amount to the Vote of Credit; but the effect of this is to withdraw from the cognizance of Parliament the real amount of excess which had nothing to with the China War. Now, as I do not intend to conclude with any motion, I may be asked what is the use of occupying the time of the House by these references to things that are gone by—that however faulty they may have been, it is no use raking them up now; that the Budget of last year is now a matter of history, and that it would be far better to adopt the convenient maxim of letting "bygones be bygones?" but I have three reasons for not adopting this course. First, I think it is absolutely necessary that the attention of this House should be called to any expenditure not sanctioned by Parliament. If the lapse of time is to be a bar to inquiry it may always be urged, as the accounts are never laid upon the table of the House until fifteen months after the expiration of the financial year; and a Secretary for War might exceed his Estimates to any amount without any fear of being questioned about it. Secondly, I am anxious to enlighten the minds of some of the Chancellor of the Exchequer's colleagues as to the amount of provision made in his original Budget for the China War. In a recent debate in "another place," my noble Friend Lord Derby stated it to have been the very modest sum of £500,000, but was corrected by a noble Duke, a Cabinet Minister, who said it was two millions and a half. Now I have shown that even the modest provision of £500,000 never existed, but that their was an absolute deficiency of more than that amount. And, lastly, and what is of far greater importance is, that these excesses are not byegones, but are going on at the present moment, and I am confident that when the Army accounts of the last financial year 1860-1 are laid upon the Table of the House there will be an excess of expenditure on the same four votes amounting to a quarter of a million. I do not say that you may not pay it out of Votes of Credit or open accounts with India of which we know nothing, but I say the expenditure will exceed the amount voted by Parliament by at least the sum I have mentioned; and as to the Estimates of the present year I pointed out when they first appeared that, large as they are, they do not provide for the number of men on the establishment, and that in order to make them appear lower than the Estimates of last year, a sum of £127,000 had been deducted from the pay and allowances of the men voted by Parliament on account of men stated to be wanting to complete the establishment who were not wanting. The Under Secretary for War assured me that the attention of the Secretary of State and the Commander-in-Chief had been called to the subject, and that by the commencement of the financial year the numbers would be so reduced. I called for a Return of the number of men on the establishment on the 1st of April and found they were not so reduced; and, again, I called for a similar Return on the 1st of June to which I beg to call the particular attention of the House, and to ask the Under Secretary for War for an explanation of it, as it is calculated to mislead the House, and is, in fact, not a correct Return? I asked for a Return of the number of men on the British establishment on the 1st of June, and also of the number of men on their passage home from India, or under order to proceed home, who would become chargeable to the British establishment on their arrival. On seeing the Return I was excessively surprised to find that the numbers returned as being on their passage home amounted in each case to nearly the establishment of each regiment—a thing so unusual in regiments coming home from India—that I inquired both at the Horse Guards and the War Office, and found that the numbers reported as on their passage home included the depôts of the regiments which are in this country, and have been chargeable to the British establishment during the whole course of the financial year—making the whole number exceed, not only that provided for, but the number voted by Parliament. I have to apologize to the House for having occupied so much of their time on this subject at this late period of the Session, but that is not my fault. This is the first opportunity I have had of doing so since the accounts were laid on the Table of the House; and I only regret that the accounts were not produced before the Budget, for I think if the House had been acquainted with the real state of the army expenditure they would not have parted with the paper duties this year.

THE CHANCELLOR OF THE EXCHEQUER said, his right hon. Friend seemed to expect that he would be found fault with for bringing this subject before the House, and that he would be told it was too late to do so. But the truth was that the subject of the army excesses could only be discussed with effect in the year next but one after the Estimates were voted, so that his right hon. Friend had taken the right time for the discussion which he had raised. The charges which he had made divided themselves into two parts. One might be settled by a discussion in that House—the other was of a far more serious nature. The lighter portion—that which related to the discrepancy between the actual sum asked for the service of the army and the ultimate expenditure—he would leave to be answered by his hon. Friend the Under Secretary for War. The right hon. and gallant Gentleman had spoken of the relations between the Treasury and the War Department, and had ascribed to him (the Chancellor of the Exchequer) a doctrine which most certainly was not his, but was the reverse of his. No doubt it was the special duty of the Treasury, with respect to the Army Estimates, to examine whether or not the services taken were in excess of the purposes to which they were to be applied. The Treasury had the greatest possible interest in the accuracy of the Estimates. As Chancellor of the Exchequer, therefore, it was his duty to make a careful examination of them; and it was no reproach to the gentlemen connected with the various departments to say that this examination, as well as the discussions that took place in Parliament, were useful in securing accuracy of detail. His right hon. Friend said the Treasury must necessarily have known the increase of payment for the army called for, in consequence of the increase which he said had taken place in the number of men voted by Parliament. But the fact was that the Treasury were in ignorance of the number of men. The Cabinet itself could not have a perfectly effective control over the number of men chargeable on the British establishment; because, in the state in which affairs had been in India, they had been but little else than servants of the Governor General. They were compelled constantly to have forces ready for the service of India, and to proceed there often without notice, so that no preparation could be made for the amount of change, and it was impossible to say how much would be thrown upon the British establishment. He would pass on to the question of departmental responsibility, and upon this he wished to observe that if the statements of the right hon. Gentleman (General Peel) were correct the matter ought not to end with a simple discussion across the Table of the House. The charges which he had brought really amounted to this—that at the time when the Government laid their proposals before Parliament with respect to the impending military expenditure they were in possession of information which ought to have convinced any rational man that the charge they proposed was too small. Now, that was a charge which would require a more minute answer than, without preparation, he was able to give. He was in a condition, however, from recollection, to meet the charges of his right hon. Friend so far. The points on which the Treasury was responsible were three. It was responsible for fixing the amount of any Vote of Credit that was proposed; it was responsible for the transfer and distribution of the Votes under the Act of Parliament; and it was responsible for adjudications on the claims of the respective departments to a share of the Vote of Credit. His right hon. Friend stated that, so far back as the 10th of February, 1860, the Government ought to have been sensible that there was a sum of £1,800,000 — including £400,000 for the China War, and £600,000 due to the Indian Government — which they would have to pay, and for which they had made no provision. Now, he denied that the accounts to which his right hon. and gallant Friend referred were in such a state as to enable the Government to found any estimate on them, with a view of getting a Vote from Parliament. All he could say was, that if an excess of £1,800,000 really did exist in the expenditure of the army, it was not within the knowledge of the War Department, nor within the knowledge of any other department of the Government when he made his financial statement in 1860. He, therefore, did not admit that any portion of that alleged army excess could have entered the calculations of the Government in framing their financial arrangements. Many of these questions—such, for example, as the £400,000 voted for the China War—could not be settled across that table. Neither he nor his right hon. Colleague the Secretary for India, nor any one else connected with the Government, could have had the smallest idea that any portion of that sum mentioned would go to any other than its original purposes. If his right hon. and gallant Friend wished to make good the opinion he had stated, he ought to have submitted to the House a question, not to be settled across the table, but one that would have led to a more minute calculation and investigation of accounts than could take place in that House. His right hon. and gallant Friend stated that the charge of £600,000 for India was known to the Government before the financial statement was made. It was in reality known on the 28th of January, but it was not to be taken for granted that the claim was one that should be paid; for, in truth, claims for India not unfrequently required to be corrected after investigation. His right hon. Friend taunted them with having proposed a Vote of Credit of only £1,350,000 to meet an excess of £1,800,000; but that sum was believed fully adequate to the occasion, and was fixed upon partly in consequence of information from the Foreign Office with regard to the probability of an increased charge being required for China, and partly with reference to the Indian account. The right hon. Gentleman seemed to think that they ought to have left a wide margin for charges that might occur; but, on the other hand, it must be borne in mind that at the time there was an expectation that should the Chinese expedition lead to an accommodation, there was a payment from that country of £500,000 under the Treaty of Tien-tsin, which would have been available in aid of the Ways and Means of the year; and it would not have been right of the Government to have made any demand on Parliament without taking that matter into consideration. If the right hon. Gentleman were not satisfied with that, he hoped he would carry the matter further. It was a matter of vital importance that every department, and especially the Minister of Finance, should deal with Parliament not only in good faith, but with as much intelligence as could be expected from him, or as the nature of his office would allow. Then, with respect to the appropriation of what were called the savings on different heads. It was the absolute duty of the Treasury to appropriate the balances in the Exchequer before dealing with the Vote of Credit; and if they did otherwise they would have acted in excess of their legal power. His right hon. and gallant Friend found fault with the Treasury for having appropriated £600,000 out of £850,000 taken for the China expedition to the expenses of the military department. His answer to that was that it was a matter which depended for its accuracy on careful and minute examination in detail, and it had been examined with care and pains under his (the Chancellor of the Exchequer's) responsibility. They might, however, have been wrong, and that was a very proper matter for Parliamentary investigation. If his hon. and gallant Friend was disposed to devote his leisure hours to the inquiry during the recess, with a view to its being again brought forward next Session, and thoroughly investigated, he should have every assistance that it was in his power to give him. He was glad that he had directed his mind to the subject, as every Government was the better for being called to account with regard to its expenditure.

MR. T. G. BARING thought the question between the right hon. Gentleman and his noble Friend the Secretary for War (Lord Herbert) could be very easily settled. The right hon. Gentleman in March 1860 stated his belief that there would be at least £500,000 of excess in the military expenditure of the year, and Lord Herbert thought and stated that the ordinary army Votes for the year would be sufficient, with the addition of the Vote of Credit for the China War for that year. The question was not which was right and which was wrong, but which was most right and which most wrong. He had now to ask the House for a Vote of Credit for £200,000 to make up the deficiency for the year in question; this was the whole deficiency after the increased expenditure caused by the China War had been paid, as provided for by Parliament, out of the Vote of Credit. It must be plain, therefore, that when Lord Herbert said there would be no deficiency he was more right than the right hon. Gentleman, who put down the deficiency at £500,000. Lord Herbert was, however, far nearer the truth than that, for out of the actual excess of £200,000, at least £120,000 could not have been known in March 1860, when, as the right hon. Gentleman well knew, six months at least had to elapse before the accounts for the Army were closed. This £120,000 was made up of items of account unexpectedly brought on charge in the year 1859-60. Lord Herbert, therefore, was only out by £80,000 out of a total expenditure of £14,000,000. The right hon. Gentleman had referred to five Votes, which he said were entirely dependent on the number of men; but that was an incorrect assumption. How could the £120,000 charged to the clothing Vote for items of account, as explained in the Parliamentary paper in the hands of Members, be attributed to the number of men, as stated by the hon. Gentleman? How could the increased supplies purchased for the garrisons of Malta and Gibraltar be caused by the number of men borne? He denied the accuracy of the conclusions drawn by the right hon. Gentleman. He could, having examined the accounts, assure the House that no portion of the £600,000 for China had gone to the ordinary expenses of the Army in the sense stated by the right hon. Gentleman. Had there been no war with China that charge would not have been incurred. The right hon. Gentleman had also stated that there would be an excess upon the Vote for men for the current year. There was at present, including the men on passage home, an excess of about 5,000 men which chiefly arose from the unexpected return of troops from India and from the calls made upon us from India; 3,000 were artillery to be charged to India, leaving 2,000 men as the excess. There would be probably 1,000 men in China to be charged to the Vote of Credit, and this would make the excess about 1,000, or say 1,500 men. Then recruiting had been stopped, so that he did not anticipate that the money voted would be insufficient to meet the cost of the men for the whole year.

SIR HENRY WILLOUGHBY said, he thought the gratitude of the House was due to his right hon. and gallant Friend the Member for Huntingdon, who had raised a great constitutional principle, to which he too wished to call attention. In the year 1859-60 the House voted £122,655 men, but in the course of the year they had 9,557 more men than Parliament sanctioned. In April 1860, they had 11,507 more men than Parliament voted for. He wanted to know where the money to pay these men came from? It was evident that it must have come out of the Treasury chest; but he wished to ask if the House was disposed to let go its hold over the control of the Army, the number of men voted, and the sources from which they were to be paid? If not, he thought there ought to be a clear and distinct explanation of the circumstance. He wished, therefore, to have an answer whether or not it was true that 10,000 men in round numbers were kept up last year in excess of the numbers voted in this House? The question was of the more importance, as the House was in a strange position arising from the large standing army kept up in India over which they had no control whatever.

Sir STAFFORD NORTHCOTE said, he thought the questions raised by his right hon. and gallant Friend the Member for Huntingdon would be better inquired into before a Committee upstairs than in that House; but there were one or two points which he thought ought not to pass without notice. He gathered from what fell from the hon. Under Secretary of State for War that he considered the whole matter turned very much upon the question of whether his right hon. and gallant Friend (General Peel) or Lord Herbert were nearest the truth in what they respectively stated on the 19th of March, 1860. The House should bear in mind how extremely different were the positions of the two speakers. One spoke from a general estimate which he was enabled to form from his knowledge of the manner in which business was conducted at the War Office, and of the operations which were being carried on; while the other spoke from official knowledge on the subject, and from documents in his possession. But, after all, he (Sir Stafford Northcote) did not see that the balance was as the hon. Gentleman the Under Secretary for War had stated it. It seemed to him that his right hon. and gallant Friend was upon the whole much nearer the truth than was Lord Herbert. It was said that they were to measure the whole by the £200,000 asked for in excess. But that did not measure the whole. They were distinctly informed last year that only £500,000 would be wanted for the army and £250,000 for the navy. It was simply in consequence of the postponement of some ships building for the Admiralty that the latter sum was not required, but if it had been there would have been a still greater deficiency in respect of the army Vote than there was at present. He made out that the real deficiency was at least £300,000. The hon. Gentleman said the deficiency arose from circumstances which could not have been foreseen. No doubt many things, especially considering our relations with India, would at times arise to baffle the calculations of Government, but they ought on that account to be the more cautious, and to take care in their arrangement for the year to make allowances for uncertainties. The right hon. Gentleman the Chancellor of the Exchequer seemed to think that he was entitled to take as a set off to the £600,000 required by India the possibility of the war with China coming to an end, and that in such a case there would have been no deficiency. If that statement had been made to the House last year they would have known what they were about; that they were dealing with a certainty on the one hand and with an uncertainty on the other; but the complaint was that the Government did not tell them all the grounds on which expenditure would be required. He thought the statement of his right hon. and gallant Friend last year was justified by the result, and that he had taken the only means in his power by a reference to the five Votes which he had pointed out of getting at the expenditure for the year. It was not fair for the Government after advising the House to agree to a large expenditure to come forward as they now did and tell them that there was an excess of expenditure through causes which they had not foreseen.

Sir JOHN SHELLEY said, that he, too, thought the House ought to feel obliged to the right hon. and gallant Gentleman the Member for Huntingdon in bringing the matter forward, for it was clear that these accounts ought to be examined into in detail. It was not the first time that such accounts had been mystified, and if a Committee were moved for during the next Session he should give the Motion his support.

Mr. HENLEY said, he thought the thanks of the House were due both to the right hon. and gallant Officer and to the hon. Baronet the Member for Evesham for having called attention to that important question. There could be no doubt that the large army in India did give any Government an opportunity to shuffle the cards between the two armies—men in the one country and men out of it—men on sea and men about to go to sea—men to be accounted for now and men to be accounted for hereafter—that he was afraid it would puzzle even a Committee to discover what was the exact state of things at any particular moment. The right hon. Chancellor of the Exchequer said there were many of these matters which it was impossible to foresee when the Estimates were being made up.

THE CHANCELLOR OF THE EXCHEQUER: Those were not my words.

MR. HENLEY said, he had not taken down the right hon. Gentleman's words; but that was his impression. He could only say that if it had been to lay on a tax the prevision of the Chancellor of the Exchequer would have been considerably strengthened. He had been amused with the manner in which the Chancellor of the Exchequer recommended his right hon. and gallant Friend to employ his leisure during the recess. Was his right hon. and gallant Friend to step into the War Office and into the Treasury to overhaul these accounts? For his part he thought the best way to investigate the matter would be by a Committee. Then the hon. Under Secretary, curiously enough, accounted for the excess of 5,000 men by saying that 3,000 of them were wanted for India. Why that might as well be 10,000. What security, indeed, was there against any number of men being sent? If a great army was to be kept up in India some arrangement should be made with the Government of India, so that the present state of uncertainty might be done away with. The House ought to remember that the question was by no means new. His right hon. and gallant Friend had returned to the charge again and again—he had told both Lord Herbert and the hon. Gentleman opposite, both that year and the last, "You are not taking money enough for your men." And the result of all the mistification was that they were called on to-day to vote £200,000 for excess of expenditure. The Chancellor of Exchequer had in effect said that he had no answer to make to his right hon. and gallant Friend (General Peel). He neither admitted his right hon. and gallant Friend to be right, nor did he deny his statement—he left them in a state of blessed uncertainty. In his opinion no answer had been given to his right hon. and gallant Friend, either by the Chancellor of the Exchequer or by the Under Secretary for War. The subject was not an agreeable subject, and he hoped the House would apply itself to prevent its recurrence in future.

COLONEL DUNNE said, he wished to know how the 5,000 men that were admitted to be in excess were to be paid for? If recruiting was stopped what was to become of the large Vote taken during the year for recruiting, and why was the passage money for soldiers from India to be paid for by this country, instead of, as formerly, by the Indian Government? He hoped the hon. Gentleman would give a clear answer to these questions.

COLONEL SYKES said, he could not understand what was the necessity of sending out 3,000 artillerymen to India. Surely out of the volunteers into the Queen's army, of which they had heard so much, they might have obtained the number of artillerymen required.

MR. G. W. HOPE said, he rose to move that an Address be presented to Her Majesty praying that the sum of £15,000, voted for an increase to the Royal Military College at Sandhurst to contained five hundred cadets, might not be expended till the House had had time to consider the details of the plan for which it was proposed to make the increase. He wished at the outset to disclaim the intention of making any attack on Lord Herbert, whose merits he fully recognized, and whose retirement from office, which he was afraid was made certain by the writs moved for that day, he considered a great loss to the public service. But one of the merits of that noble Lord was that he was willing to listen to opinions different from his own; and he believed if he had been in his usual health the plan would never have been proposed. That plan was that every officer of the army should pass through the college. The Committee on military organization which sat in 1859 and 1860, took evidence on the subject, and considered it but settled in their Report that they had not information enough before them to justify their making any recommendation on the subject. From that day to this the Government have given no further information on the question, and yet asked the House of Commons to decide upon it, although the important Committee to which he had referred declared that the information produced was not sufficient to justify any opinion being formed on it. When the Vote was under consideration it was objected to, and the hon. Gentleman made the offer that the Government would incur no expense till further information was obtained. The House, however, divided on the Vote, and it was carried; and after that the hon. Under Secretary stated that, as the Opposition had divided, the Government would not stand by the offer he had made. That was, to say the least, sharp practice, for how could the hon. Gentleman know how many votes were influenced in his favour by the offer he had made? He hoped the hon. Gentleman would even now repeat his offer and save him the trouble of arguing the question further. As the hon. Gentleman remained silent he was compelled, though with great reluctance, to go further into the matter. The hon. Gentleman then stated at some length his objections to the proposed plan, referring more particularly to the question of patronage, and the competitive system for admission to the college. It seemed to be settled that every student who passed through Sandhurst was to have a commission. The question, then, was, how was a young man to get into the college? It was at first proposed that they should enter by competitive examination, but that was now overruled; so that the question came to this—that the Commander-in-Chief, instead of giving commissions directly, would give them indirectly by a nomination to Sandhurst. That would practically be the case in time of peace; it would be still more emphatically the case in time of war, for they had the evidence of his Royal Highness the Commander-in-Chief that the college would be inadequate to the supply of officers in time of war. Yet it was proposed to make every officer of the British army pass through this college. The reason alleged was that the education there given was necessary for the officer in the discharge of his duties. Practically, however, it was found that the theories taught by professors were not of much service in the field, and he had heard men of great professional experience declare that the proposed plan would be injurious to the service. Indeed, he believed the Duke of Wellington was always opposed to the plan of making all the officers of the army pass through one college. But all he asked was that the Government should give a pledge they would not carry out the plan till the House was in possession of further information. The plan of the college was that every officer was to enter the college at the age of seventeen. At present any man might enter the army between the ages of eighteen and twenty-three. It might be advantageous in some respects to make the army, like the armies of the Continent, a separate class; but the great object had hitherto been to combine among their officers the qualities of a soldier and a citizen. To introduce a set of men who were to be soldiers only, and not citizens, might be injurious both to the interests of the army and the Constitution. He concluded by moving the Resolution.

Sir JAMES GRAHAM said, he rose to order. He wished to ask whether, when a Vote had been agreed to in a Committee of Supply and been reported to the House, it was competent to move an Address to the Crown to suspend, if not to annihilate, that Vote.

Mr. SPEAKER said, great latitude of discussion was allowed on going into Committee of Supply, but one restriction was put upon it by the House, namely, that any Vote which had passed, or any Vote which was about to be discussed in Committee of Supply, was not a proper subject for discussion on going into Committee. That was the rule of the House. When the hon. Gentleman was making his statement there was much in it which could not be objected to by the House. Therefore, although the speech was founded on a Motion which stood on the paper, he did not think it consistent with his duty to interfere. But, in reply to the appeal now made to him, he would say that it was not consistent with order that he should put the Motion to the House. The Vote to which it referred had been passed in Committee, and had been reported and agreed to by the House. If a practice should arise of moving an Address to the Crown on every Vote which had been passed by the House it was clear that discussion never would end, and that Supply would be postponed indefinitely. Any other subject once considered and disposed of by the House was held to be disposed of for that Session. The Vote had passed in Committee, and been agreed to by the House, and he, therefore, was of opinion, that it was not competent to move an Address to the Crown that the Vote should not be expended.

Mr. G. W. HOPE said, that as it appeared to be contrary to the rules of the House he should at once withdraw the Motion. He might add, however, he had waited until then to bring it forward, in order to see whether the Government would produce papers on the subject.

Mr. BERNAL OSBORNE said, he did not think, if the Motion was withdrawn, that the discussion was, therefore, disposed of. He thought the hon. Gentleman was entitled to the thanks of the House for bringing the question forward. Let the House consider the circumstances under which the Vote was passed. It was passed at half-past one in the morning, when the House was tired out. No explanation of the Vote was given, but a promise was held out that some explanation would be given afterwards. A division took place, and the Vote was only carried by a majority of five. They were taking a step towards the formation of an institution that was to put the whole officers of the army on a new footing with regard to the mode of entering the army. The Committee on Military Organization would not sanction the plan of the college because it was brought forward in an incomplete state, and the Government themselves did not know what the plan was. If they did not take care the £15,000 then asked for would swell up to £200,000. The House was surprised into a division in favour of the scheme, and he hoped some means would be devised to get rid of it.

Mr. HENLEY said, he wished to ask whether the rule, as stated by the right hon. Gentleman, would prevent any Motion being made on the subject when they were not going into Committee of Supply?

Mr. SPEAKER had stated what was the rule of the House which it was his duty to enforce—namely, a rule, that in going into Committee of Supply restriction was placed upon the general liberty of discussion on two points—one, that Votes passed in Committee of Supply were not to be discussed on going into Committee; and the other, that any Votes standing for consideration must be considered in Committee, and not on going into Committee.

Mr. DILLWYN said, that if they were to be struck over upon a point of order on a Vote taken at half-past one in the morning, he trusted it would be a lesson to the House never to allow a Committee of Supply to go on at such an hour.

Mr. T. G. BARING said, that as a matter of fact the Vote was not carried at half-past one in the morning. At no time were the Votes of the Army Estimates taken at so late an hour.

Mr. AYRTON said, that in a matter of such importance one would be justified in moving the adjournment of the debate, in order to enable the hon. Under Secretary for War to give an explanation, because he said he would have no objection to lay before the House the plan upon which this money was to be expended.

Motion made, and Question proposed, "That the debate be now adjourned."

Colonel KNOX said, he would second the Motion. He would not say whether the Vote was taken at one or half-past one, but it was very late, and the Vote on the division was mainly influenced by the hon. Gentleman's explanation, that no part of the money would be spent till the plan was laid on the table. He feared there was an attempt making to Germanize the education of the army. Hitherto the officers had been chosen from all the public schools of the country, and it was well known that the Duke of Wellington shortly before his death, pointing to the boys on the playing fields of Eton, said, there is the stuff of which the British officers are composed. He hoped the hon. Gentleman would delay the expenditure of the money till the papers were prepared, which he believed was not yet the case, as there was a dispute between the Horse Guards and the War Office on the subject.

Mr. SPEAKER said, that nothing could be further from his wish than to interfere with freedom of discussion in that House; but the House would see that it would be impossible to take into account whether the Vote was carried in Committee by a large majority or a small one, or at what hour.

Mr. T. G. BARING said, that he altogether disputed and denied any want of faith on his part. A discussion took place in Committee, and he said if those who opposed the Vote consented to pass it he would undertake that no expenditure should take place until the scheme was produced. The opposition was not withdrawn; and, therefore, when the hon. Member for Windsor asked him about it the following day, he told him that he was bound to no pledge on the subject. But he was perfectly ready to agree that the establishment of the new system should not take place before Midsummer, so as to give full room for the expression of opinion upon it.

Mr. G. W. HOPE said, he wished to ask the hon. Gentleman if he would state that the money should not be expended?

Mr. HENLEY observed, that the Vote could be struck out of the Appropriation Bill, and he would suggest to the hon. Member for Windsor to be in his place.

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

House in Committee; Mr. Massey in the Chair.

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £25,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge of Civil Contingencies, to the 31st day of March, 1862."

Mr. W. WILLIAMS said, he objected

to the sum of £512 in payment of the fees for the patent making Lord Brougham's barony pass at death to his brother. He also objected to a payment of £150 for conveying the Lord Lieutenant of Ireland from Holyhead to Kingstown, and moved, as the last-mentioned item stood first in the Vote, that it should be reduced by that sum.

Motion made, and Question proposed,

"That the item of £150, for the Conveyance of the Earl of Carlisle (Lord Lieutenant of Ireland), between Kingstown and Holyhead, be omitted from the proposed Vote."

Colonel FRENCH said, he thought the charge for the Lord Lieutenant was most extravagant. If the Lord Lieutenant wished to spend his Christmas holidays at his own residence, he certainly ought to go at his own cost. If, indeed, the money were to take him altogether out of Ireland he would not object to paying it.

Sir HENRY WILLOUGHBY said, he would beg leave to ask whether they could discuss the Vote, as it had been already expended?

The CHAIRMAN said, though the money had been expended it had not yet been made good.

Sir JAMES GRAHAM said, that the item was not an estimate, but an account rendered of money expended; and in all the expenditure of this country there were only two Votes of that description—one the Treasury chest, and the other the civil contingencies. Both these subjects had been before the Committee on Public Accounts, and, if the recommendations of that Committee with regard to civil contingencies were agreed to, it would never again occur that the House was deprived of the opportunity of discussing such Votes as the present before the money was paid. The recommendation of the Committee was that instead of the present mode of voting money already expended, and over which they had no control, the amount should be converted into a deposit account, and that the money should not be expended till the Vote had been submitted to the revision of Parliament. No doubt, the Report of that Committee would be acted upon by the Government for the future; and, in these circumstances, perhaps, they had better agree to the Vote before them—thus giving condonation for the past, while they took care to act differently for the future. At the same time, he must say there were items in the Vote which he regretted to see there.

The CHANCELLOR of the EXCHEQUER said, he did not think that the position of that House with respect to the money voted under the head of Civil Contingencies was at all satisfactory, and he was glad that the Committee had objected to the system which had been so long in operation. The Committee would see that that was one of those cases in which the Executive Government wanted the assistance of the House. The charge of £150 for the Lord Lieutenant was one of those minor charges that were allowed to go on from year to year simply on the ground of usage, and which it would be invidious to disallow. Certainly the Government would be disposed to give full consideration to the Report of the Committee, as its recommendations would tend to increase the control of the House over these Votes.

Sir STAFFORD NORTHCOTE said, he wanted to know, as the money had been spent, what would be the consequence of omitting this item?

Mr. AUGUSTUS SMITH said, one effect would be that Government would not again introduce such items.

Colonel FRENCH said, another effect would be that if the House condemned it the noble Lord would, perhaps, refund the money.

Mr. HENLEY said, he desired to ask whether it was a matter of usage to pay the fees for patents in connection with the peerage? If they voted upon the sum of £150 for the Lord Lieutenant, would they be precluded from voting afterwards upon the £512 for Lord Brougham's patent?

The CHAIRMAN said, that by a recent Standing Order it was open for hon. Members in Committee to canvass every item of a Vote, if they thought fit to do so. The effect of the omission of any particular item would be to reduce the gross Vote, and he did not know of any rule of the House which would entitle him to decline putting a Motion such as that made by the hon. Member for Lambeth; but, undoubtedly, if he put the Motion the Committee would be precluded from afterwards considering the item of £512.

Mr. COLLIER: But how then can we arrive at the other items?

Mr. DISRAELI said, that it appeared to him that the Committee ought to discuss all those points to which it was proper their attention should be directed before coming to any Vote, and then some proposition might be made which would include in one aggregate reduction the sum by which they thought the Vote for next year ought to be reduced.

SIR HENRY WILLOUGHBY said, that as one of the Committee, he understood that it was their intention in the Report which they made to the House to leave the various items open to discussion.

SIR JAMES GRAHAM said, he thought the convenient course would be to discuss the items of the Vote. In order to give full scope for that discussion he would recommend his hon. Friend the Member for Lambeth to withdraw his Amendment. If after discussion any hon. Member thought the sum of £75,000 too large a sum to place at the disposal of the Executive, he might, without reference to any particular item, move that the sum be reduced.

MR. W. WILLIAMS said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Original Question again proposed,

MR. BERNAL OSBORNE said, he would move that the Vote be reduced by the sum of £500. [An hon. MEMBER: Make it £5,000.] He had no objection to make it £2,000 or £5,000. There were several items in the Vote which he disapproved. There was one charge of £280 for the conveyance of colonial Bishops in ships of war. There was another of £944. 4*s*. 8*d*. for the Commission for the Encouragement of Fine Arts. It would be a dear Commission at the odd 4*s*. 8*d*. He would say of them in another sense than the monument on Sir Charles Wren—

"Si monumentum queris"—

THE CHAIRMAN: Order. The time for adjournment has come.

House *resumed.*

Committee report Progress; to sit again *this day,* after the Order of the Day for the Committee on the East India Loan.

MR. HENLEY asked what business would be taken in the evening?

THE CHANCELLOR OF THE EXCHEQUER said, the Indian Loan would be taken first; after that they would go on with Supply.

MR. BERNAL OSBORNE: And when shall I have an opportunity of going on with my *circumspice?*

THE CHANCELLOR OF THE EXCHEQUER said, his hon. Friend was not so oddly situated as a certain Mr. Andrews, who was stopped on one occasion, not in the middle of a sentence, but in the middle of a word. He presumed his hon. Friend would have an opportunity of taking up *circumspice* in the evening, when Mr. Speaker had again left the Chair.

THE STEAM SHIP *HIBERNIA.*

QUESTION.

MR. HENNESSY said, he rose to ask the Junior Lord of the Admiralty, Whether the Iron alluded to by him on the 21st of June last, respecting the steam ship *Hibernia,* is the same as the iron-cased ship *Defence* is being constructed of, and which was manufactured for Messrs. Palmer by Messrs. Beale and Co., of Rotherham, as shown in Parliamentary Paper, No. 347, of the present Session? He wished to ask also, whether the Surveyor is the same who certified that the *Hibernia* was seaworthy when she went out?

MR. WHITBREAD said, the iron was the same—that was to say, it was found upon being tested to be the best for the purpose of the armour plates. It was manufactured for Messrs. Palmer by Messrs. Beale and Co. He was unable to answer the latter part of the question.

TROOPS FROM CHINA.—QUESTION.

COLONEL SYKES said, he wished to ask the Under Secretary of State for War, Whether Troops ordered home from North China have been detained by the British Minister? If so, for what time they are to be detained? And whether the Troops at Tien-tsin are supplied with fresh water by Coolie labour?

MR. T. G. BARING said, that a Despatch from Mr. Bruce stated that he had found it necessary to detain one regiment of infantry and one troop of Fane's Horse at Tien-tsin. He was unable to say whether the troops were supplied with fresh water by Coolie labour.

STIPENDIARY NATIVE PRINCES OF INDIA.—QUESTION.

MR. ADAMS said, he would beg to ask the Secretary of State for India, When the Return with reference to Stipendiary Native Princes of India, for which an Address was moved as unopposed on the 2nd of May last, will be laid upon the Table of the House? He would also beg to ask, if the right hon. Gentleman will lay on the Table a Copy of the Speech of Mr. Laing in bringing forward his Indian Budget?

SIR CHARLES WOOD said, he was sorry he could not say when the Return, ordered to be made on the 2nd of May, with reference to the Stipendiary Native Princes of India would be laid on the Table. He was, however, as anxious as the hon. Gentleman that it should be printed and given to the world. He must decline to lay upon the Table Mr. Laing's speech on bringing forward the Indian Budget at Calcutta. It was true that Mr. Wilson's speech was laid before the House; but that speech was necessary for the elucidation of public and official documents.

THE THAMES EMBANKMENT.

QUESTION.

Sir JOHN SHELLEY said, he wished to ask the First Commissioner of Works, Whether the Report of the Royal Commission on the Thames Embankment having been signed, it is his intention to place that Report forthwith on the Table of the House, with the protest of any Commissioners against the same?

Mr. COWPER said, that the Report of the Royal Commission on the Thames Embankment was presented at the Home Office on the previous day. It would be laid on the Table that evening. He had no doubt the Commissioners would append to their Report the reasons given by the Chairman of the Metropolitan Board of Works for not agreeing, as one of the Commissioners, to the Report.

COURTS OF JUSTICE (MONEY) BILL.

QUESTION.

Sir JAMES GRAHAM said, he wished to know, What the intentions of the Government were with regard to the Courts of Justice (Money) Bill?

Mr. COWPER said, there was a great desire on the part of a large portion of the legal profession that this Bill should pass into a law, and he was unwilling to abandon it while there remained a chance of obtaining sufficient time this Session for proper discussion. He would certainly not attempt to bring it forward when it could not be fully discussed—certainly not after eleven o'clock at night. He hoped that the Session might last long enough yet for the Bill to be discussed.

Sir JAMES GRAHAM said, he wished to know at what future day would the right hon. Gentleman bring it on?

Mr. COWPER said, it was his intention to proceed with it, provided he could get time for full discussion.

Sir Charles Wood

Mr. E. P. BOUVERIE said, he intended, when the Bill should be brought on, to move that it be read a third time that day three months.

THE NAWAB OF THE CARNATIC.

QUESTION.

On Motion that the House go into Committee on the East India Loan,

Mr. LAYARD said, he wished to draw the attention of the right hon. Gentleman the Chief Secretary for India to the case of Azim Yah, the Nawab of the Carnatic, who had been deprived of his revenues, and who had petitioned Parliament in the beginning of this Session. He (Mr. Layard) had recommended the agents for Azim Yah to advise that Prince to present a memorial to the Secretary of State, his case having only been officially before the East India Company; but that memorial could not be received until late in the year, and the matter could not be discussed till the next Session. The Prince was meanwhile in difficult circumstances, and had been compelled to raise money at great disadvantage to meet his necessities. The East India Company offered him a large stipend on condition that he would renounce all his claims. The Nawab refused the condition. He (Mr. Layard) wished to ask the right hon. Gentleman, Whether he would not allow that unfortunate prince to receive the stipend without prejudice to his claims until an opportunity had been afforded for bringing them forward? It would be a simple act of justice to the Prince, and he was sure would be consonant with the feelings of the right hon. Gentleman. Should the request be refused, Azim Yah would be compelled to encumber himself with debts which he would never be able to discharge, and from a loyal subject might, as other native Princes had done under similar circumstances, become an enemy of the British Crown. The Prince had been in the first instance deprived most unjustly of his property by the East India Company, although his family had rendered great services to the British in India.

Colonel SYKES said, that if the hon. Member would substitute the words Board of Control for the East India Company he should agree with his animadversions.

Sir CHARLES WOOD said, that the case of Azim Yah had been referred to the Government of Madras, and that the Prince was not without a fair allowance, though not so great as the stipend offered to him. He concurred generally with the remarks of the hon. Member, and was quite willing to inquire fully into the merits of the case.

EAST INDIA LOAN.
COMMITTEE.

House in Committee.

(In the Committee.)

SIR CHARLES WOOD said, that some time ago, when he moved for power to raise a loan for the service of East India, he stated that probably before the end of the Session he should have to apply for discretionary powers to raise money to make good any deficiency in the amount required for constructing railroads in India, and he now rose to ask for such powers to raise money to be used only in the event of the railway companies not furnishing the sum required. As he stated the case pretty fully on a former occasion, it would not be necessary for him at present to refer, except very briefly, to the matter. In the course of last year it was anticipated that there would be spent about £6,000,000 in India on the construction of railways; and by the accounts last received the amount came up very nearly to that sum, the actual expenditure having been between £5,800,000 and £5,900,000. The expenditure in this country had been upwards of £2,000,000, and the whole expenditure in the course of the year ending on the 30th of April last amounted to upwards of £8,000,000. It was believed that as far as India was concerned the expenditure for the present year would be about the same—namely, £6,000,000 in round numbers; and that the expenditure in this country would be about £1,700,000 or £1,800,000. Supposing, then, that there should be a little more expenditure in India (which the Government would be glad to incur, in order to proceed with the railroads now in the course of execution as rapidly as was consistent with their due construction), a sum somewhat greater than £6,000,000 might be expended; but, as it was not worth while making estimates except in round numbers, the estimate for the expenditure in this country and in India was £8,000,000. Of course, therefore, from the money market in this country, in one shape or another, either by means of the railway companies or by means of the Indian Department, that sum must be raised. It was impossible for him to say what amount the railway companies would raise, and he had no means of raising a single sixpence unless he received power to obtain the sum required for this purpose, if the railway companies failed to do so. What he wanted the House and the country and the money market clearly and distinctly to understand was that there was no double demand on them. If the railroads raised the money, then he should not raise a sixpence; but, if they did not, then it was incumbent on him to raise the money, because all were agreed that for the interest of India, of England, of the shareholders, and of the Indian Government, who were losing money by paying the guaranteed interest, the railroad expenditure in India should not be checked, but that all the railroads should be completed at the earliest possible period consistent with the due execution of the works. Therefore, he proposed to take a discretionary power to raise such a portion of the sum of £8,000,000 as the railroad companies might not be able to raise for themselves. His own impression was that, assuming the worst, they might be able to raise £3,000,000, and, therefore, he proposed to take a discretionary power to raise £5,000,000 between this and the 30th of April next. Considering what had already taken place, he certainly must say that he found no indisposition on the part of the money market to furnish him even with more than he asked for. On a recent occasion he asked for £4,000,000, and he was offered about £21,000,000. However, he had no wish to borrow more than was necessary for the purpose of carrying on the works of the railroads; and with respect to other works which it might be desirable to construct in India, he believed that the state of the Indian finances was such that it would not be necessary to borrow on that account. Without going further into details, he wished the House and the country to understand that not one single sixpence would be borrowed by him under any circumstances for railroad purposes in India, unless the railroad companies failed to raise the money themselves. He proposed to make the loan in the same stock as the previous loan, and on that subject this was all he had to say. He now proposed to make a statement with respect to the finances of India, and he thought the statement would prove satisfactory, as it was not his intention to raise a sixpence by borrowing for the Indian Government, because there was not the slightest occasion to do so. It was usual, on occasions like the present, to refer to the estimate of the past year, and to the accounts of the year preceding that, and to the estimates for the current year. It had been stated by an hon. Member that the accounts from India were exceedingly complicated. That was true; and one reason for his not making the present statement at an earlier period was because he had waited for an explanation of some discordant statements which had come from India. He was happy, however, to be able to say that the statement which he had made on the subject on a former occasion was borne out by the actual result. The accounts of the Indian revenue and expenditure for the year 1859-60, together with the regular Estimate for 1860-1, had been laid on the Table of the House, but there was, he was bound to admit, a very considerable discrepancy between the estimated and the real amounts coming under those heads. He found, for example, that the estimated amount of the expenditure for 1859-60 was £46,890,000; the actual expenditure, £50,475,000; the estimated revenue, £37,796,000; the actual revenue, £39,705,000; the anticipated deficit being thus in round numbers £9,000,000; the actual, £10,770,000; the actual income was larger than the estimated by about £2,000,000, and the actual expenditure more than the estimated by about £3,500,000. That appeared to be incredible, but no explanation of the matter had been sent from India. An explanation had been written for, and he had anticipated that it would be found to consist in the fact that the reductions made by Mr. Wilson in the military expenditure had not been brought into the accounts for the year, and would appear in the accounts for the years 1860-1. While, however, he was waiting to receive some information in reply to his inquiries on the subject, he had been very much surprised to see a statement made by Mr. Laing to the effect that the expenditure for the year 1860-1 was, notwithstanding the reductions to which he alluded, actually £200.000 in excess of that for the year immediately preceding. Upon making inquiry of Mr. Laing himself, who had returned to this country the other day, and who he was sure the House would be glad to hear was much improved in health by the voyage home, he learnt that the statement in question was attributable to the fact that Mr. Laing had been misled by the accounts published by the Financial Department of the Government of India in the *Calcutta Gazette*, which turned out to be altogether erroneous; the real truth of the case being, as he had anticipated, that the reductions stated by Mr. Wilson to have been brought to account in 1859-60 were not brought to account till the following year. Those reductions in the military expenditure, as estimated by Mr. Wilson, amounted for the year 1859-60 to £3,500,000; for 1860-1 to £2,500,000; making a total of £6,000,000; and he was happy to be able to say that, although the actual reduction under that head amounted in the former year to only £171,641, the estimated decrease for 1860-1, based on figures on which he could place reliance, was so large that the reduction in the two years was £5,800,000. He now came to the year 1860-1, the expenditure for which was, in round numbers, £46,000,000; the income, £39,500,000; deficit, £6,500,000; but, if from that amount were deducted the sums paid in the shape of compensation for losses incurred during the mutiny which did not constitute an annual charge, and some other items, the actual deficit would be found to be reduced to little more than £5,500,000. [Mr. H. SEYMOUR: Does that statement include home charges?] Yes. That being so, the Committee would at once see that the expenditure for 1859-60 having been £50,475,000, and that for 1860-1, £46,000,000, a comparison of the expenditure for the two years showed a reduction in favour of the latter of, in round numbers, £4,400,000. Now, it might be asked whether the result of the statements he had just made ought not to be to shake the faith of the House of Commons in the accuracy of the Estimates of Indian revenue and expenditure which might hereafter be drawn up, but his answer to that question must be in the negative, inasmuch as greater pains had been recently and were now bestowed on the framing of these Estimates than used to be the case. That he was justified in making that statement was, he thought, proved by the fact that the amount of cash balances in the Indian Treasury at the end of the financial year was greater than had been anticipated—a circumstance which was to be attributed rather to a reduction of expenditure than to any increase in revenue. The cash balances, as estimated in the regular Estimates for 1861-2, contained in the papers which had been laid on the Table of the House in March last, amounted to £11,448,000, while it appeared by the Financial Letter from India, dated the 2nd of May—which contained, of course, the actual amount so far as the great treasuries were concerned, and the estimated only so far as related to the more distant treasuries; that these cash balances reached the sum of £12,850,000, thus leaving a surplus over the amount estimated so recently as March last of £1,402,000. No more satisfactory proof than that could, he thought, be afforded of the improved state of Indian finance; nor need he, he felt assured, say anything further to point out that greater confidence than hitherto might be placed on the system of accounts in India, and that that confidence ought to be extended to the Estimate for the current year. That Estimate he found given by Mr. Laing in a very clear manner in his official statement, although he could not help thinking it was somewhat too favourable. Mr. Laing, by transferring to the local budgets £500,000, omitting loss in connection with railroad money, £470,000, and making a reduction on home charges, beyond the estimate which was sent out from this country, of £300,000, arrived at a surplus of nearly a quarter of a million; but, taking a view of the case which he believed, after due consideration, to be more correct than that formed by Mr. Laing, and assuming the revenue of India to remain as it was, and no reduction of expenditure to take place, he calculated there would be a deficit of £1,000,000 at the close of the current year. That amount would be diminished to the extent of £500,000 if a transference of expenditure to that amount were made to the local Budget. Mr. Laing also hoped that a considerable reduction might be effected in connection with the army, and he hoped that in the proposed modification of the licensing tax, some additional revenue might be derived from that source. He was in hopes that in one way or another the deficiency would entirely disappear. But, even if it did not, the cash balances were amply sufficient to defray any excess of expenditure which might occur in the course of the present year. At the end of the present year, at latest, the expenditure and income would be brought into a state of complete equilibrium, and he trusted that in future there would be no necessity for raising any loan, either in India or in England, to meet the Government or State expenditure in India. There were one or two things very satisfactory in the Budget statement from India. In the first place, the expenditure for this year included a sum of £600,000, which was entirely due to the recent famine in India, and that item of course would not occur again. In the next place, a large portion of the expenditure consisted of the guaranteed interest on railway capital, and of the loss arising from the transmission of money to India. This was for the present a charge upon the revenues of India; but, of course, when the railways were completed and became remunerative, to however small an extent, that charge would cease. For the present year the charge for guaranteed interest, less traffic receipts, was £1,300,000, and the loss by exchange last year amounted to £473,000, the result being a charge upon the revenue of India of £1,773,000 on account of railways alone. But that charge, as he had said, would soon cease, and he hoped he might look forward to a state of things in India such as had not been seen for many years past. For some time past there had been an excess of expenditure over income, but he trusted that after this year, unless some great calamity occurred, we should have a surplus instead of a deficiency, and then we should be able to make those alterations in the taxation of the country which everybody wished to see carried into effect. The reduction of the duty on yarn from 10 to 5 per cent had caused some loss to the revenue, but he hoped the yield would soon reach its former amount. He also trusted that we might be able before long to reduce, in like manner, the duty on manufactured goods from this country. The duty on salt had been most productive, and he was glad to say that, owing to the improved condition of the people in India, it had in no degree diminished the consumption. In Bengal, where the additional duty was highest, the consumption had increased very rapidly. The additional duty was 25 per cent, whereas the increased consumption was 30 per cent. He believed that the only duty as to which any apprehensions were entertained was, as usual, the duty on opium. Last year, owing to the very high price of opium at Calcutta, the duty was exceedingly productive; but within the last few months the price had fallen considerably, and one never could speak with confidence as to what the yield of the tax would be. Mr. Laing had taken a low figure, and he believed his estimate would not be found too large. The House already knew that the reduction which had taken place was mainly in the military expenditure. He did not mean to say that it had been carried as far as he could have wished. If it had been begun earlier it would have been more valuable; but he thought the House would be satisfied, after hearing a few facts, that a great deal had been done in a short time. The following short paragraph from the last financial despatch from India would show the amount of the reduction:—

> "Seventy-seven Native regiments will have been broken up since 1859, and the Native army reduced from 284,000 to about 140,000 men. Including military police, the reduction of Native armed force since 1859 will not have been less than 200,000 men."

A certain proportion of the soldiers had been absorbed in the police, and a considerable number had found employment in various ways. He thought that, considering the state of the country, the Government of India had gone quite as far and as rapidly as prudence would warrant. In 1858-9 the military expenditure was £24,750,000; in 1861-2 it was estimated at £15,500,000—showing a reduction since 1858-9 of no less than £9,250,000. He had nothing further to say on points of finance; but there were certain matters connected with the administration of India upon which he wished to make a few remarks. A most interesting and instructive report on the famine had been received from Colonel Baird Smith, and he would state one or two facts from it. The extent of the area over which the drought prevailed was much more restricted than many people supposed. A considerable portion of the North-West Provinces was visited by the famine, but in the neighbouring countries—Oude, for example—there was plenty of grain to be had; the difficulty was in paying for it. In the afflicted districts the distress arose from the utter impossibility of cultivating the soil, which, from the want of rain, became almost as hard as iron. Perhaps the best proof of the severity of the pressure was to be found in the price of grain. It was very remarkable that though the famine of 1837-8 was infinitely more severe, and infinitely more destructive to human life and cattle, than that which recently raged in certain districts in India, the price of grain was never so high as it was during the last year. Taking the mean of the six districts where the famine was most severe, the average price of grain in common years was 40½ seers per rupee; during the famine the same sum purchased only nine seers. Relief had been extended very largely to the people, partly by the Government and partly by liberal subscriptions raised in India and in this country. For a considerable period no fewer than 143,000 people were daily employed on the relief works—irrigation, railways, and roads. The famine led to an extensive emigration from the afflicted districts, but he had every reason to suppose that the people would return to cultivate the soil when the rain came. Colonel Baird Smith showed in his Report the diminished quantity of rain which fell during the last year. In the six districts where the famine raged the average fall of rain was, in autumn, 24·19; in spring, 6·86; but during the famine year it was, in autumn, 9·09, and in spring, 1·33. These variations in the fall of rain were quite sufficient to account for the failure in the production of food for man and beast, the productiveness of the soil in India being almost entirely dependent on the rain-fall. It was curious enough that those tribes which were the best agriculturists had resisted the famine throughout, while those who had not given their attention to agriculture were not only worst off, but actually would not receive assistance; their heart failed them, and to a great extent they emigrated to other districts where the famine was less severe. Fortunately, by the blessing of Providence, rain had fallen more early this year than usual, and he hoped, therefore, they might anticipate that the worst of the famine was over, and that next year would be one of prosperity. The next subject to which he would call the attention of the House was one on which some discussion had taken place, on the Motion of the hon Member for Southwark, in connection with the planting of Indigo in Bengal. The state of feeling between the ryot and planter was, unfortunately, one of some standing, and its more recent intensity had been productive of great suffering and loss. He held in his hand a letter from the late Lieutenant Governor of Bengal, so long ago as 1854, stating that while the planting of indigo ought to have been one of the greatest blessings to the country, the ryots themselves regarded it as their direst curse. The cultivation of indigo during the present year had ceased to a great extent. There had been attempts to enforce by criminal proceedings the performance by the ryots of the contracts into which they had entered. A measure had been passed with that view; but of course that was only a temporary Bill. No doubt the indigo planters would lose very largely, and it was natural that they should be exceedingly irritated at the present lamentable state of things. The Government, however, had done their duty in all cases by holding the scales as impartially as possible between the ryots and planters. He was sorry, however, to say the bad feeling which existed had been increased by a fact to which the hon. Member for Westminster had on a former occasion referred—namely, the circulation under an official frank of a Bengal play not calculated to raise the character of the planters in Bengal. He thought that a most improper act, which had been done not only entirely without the sanction, but without the knowledge of the Lieutenant Governor of Bengal. When brought to his knowledge in such a way that he could take notice of it, he had expressed his extreme disapprobation of such conduct. It was the duty of the Government, as he had stated, to hold the scales of justice perfectly even between the one and the other—to protect the ryot from oppression and the planter against violence; and all parties in this country must be anxious to contribute as far as they could to a fair and reasonable settlement of the dispute. They were the best friends both to the ryot and the planter, to the interests of this country and of India, who sought to soothe feeling on both sides, and promote as far as possible that settlement which would restore the cultivation of indigo on a sounder and healthier foundation than before. The next point to which he would call attention was one which at all times was of the greatest importance, but at the present moment was of vital importance to this country and India—he meant the cultivation of cotton. He need not say that his attention had been directed to this subject in former years; and his attention had been constantly directed to it since he held the office he had now the honour to fill. Various opinions were entertained as to the capability of India to produce cotton in the quantity required by this country. His firm conviction was that if proper means were taken in India by the Government, and by those in this country who were interested in the production of cotton, all co-operating together—and it could not be done without that co-operation—India might be made a source of supply which, to a very large extent, would render this country independent of other countries. He trusted before long that would be the case. So far as he could make out the probable supply of cotton from India this year would be very large—considerably in excess of any previous supply. Upwards of 620,000 bales had already left India for this country; from 300,000 to 400,000 bales more were expected; so that in all there would be 1,000,000 bales, or 320,000 more than ever before were received from India. The price obtained, he hoped, would stimulate still further the cultivation of cotton in India, and lead to an improvement in the processes of picking and cleaning, which the cultivators were too apt to forget. The Indian Government had laid out considerable sums of money in endeavouring to ascertain what were the best sorts to be grown in India, and in the southern parts a considerable quantity had been grown and sent to Calcutta. He thought it well worth the while of those interested in the growth of cotton in India to take active measures in order to obtain from all accessible points the best information on the subject. With this view he was happy to state that Mr. Haywood had been sent out from this country. Dr. Forbes, in India, was, he believed, intimately acquainted with the best modes of producing cotton in that country. These two gentlemen were going to visit the cotton districts together, and he hoped the result would be to lay the foundation of producing cotton in India to a much larger extent and in better condition than had hitherto been the case. So much for private enterprise. The duty of the Government was to improve the communications from the coast to those portions of the interior where cotton was grown. The main source of supply were two—Dharwar and Berar—and every effort was being made to improve the communications as rapidly as possible. With regard to Dharwar cotton, the most convenient port was Sadashevagur, and orders had been given for proceeding rapidly with the road to that place. He would read an extract from the last report which had been received on that subject—

> "Orders have been given that the engineer in charge shall be supplied with funds as fast as he can employ them advantageously. The Government promise that 'no exertion shall be spared to have the road completed throughout as early as possible; but this,' they add, 'cannot be this year.'"

He now came to the second source of supply, Berar. Cotton would be brought thence in two ways—first, by the East India Peninsula Railway, for the prosecution of the works of which, as rapidly as possible, orders had been issued. Whatever money was necessary for that purpose would be forthcoming, and both branches of the line—namely, that through the centre districts to Nagpore, and also the northern branch, would be completed as expeditiously as practicable. Another route by which cotton could come from Berar would be by the Godavery. The navigation of that river was to be opened up with the least possible delay. When Captain Haigh was here, he asked for money to provide plant and machinery with which to improve the Godavery along its whole course, and whatever he had asked for had been supplied. No means would be spared and no time lost in furthering that important work. Sir W. Denison, the Governor of Madras, said that immediately on his return from Calcutta he would proceed along the course of the Godavery himself to see what would be the most advantageous mode of conducting these works. For himself, he had always been convinced of the expediency of opening this great channel of communication into the interior; but hitherto the main difficulty had been the want of funds. That difficulty was now got over; and although when questioned on this subject the other day, he was then unable to answer until he had consulted his Council, he was happy to have it in his power now to state that it had been determined that morning in the Council to send out orders to India directing that the opening up of the Godavery should be carried out as rapidly as the supply of labour available would allow, and as was consistent with the due execution of the work. In the present precarious state of our cotton supply, the Government would not do its duty either to this country or to India if it lost a moment in taking energetic measures to provide the means of communication between the cotton growing districts of India and the coast. He would next make a few observations on one or two points connected with the political administration of India. He had briefly adverted on a former occasion to the policy pursued by Lord Canning towards the Native Princes and chiefs. That policy he believed to be sound in principle, and well calculated to lay a firm foundation for our power. As far as it had already been carried out it had proved exceedingly successful. In past years the tendency had been rather to depress the Native Princes. That had been entirely reversed of late. New treaties had been made with several of those Princes, and territory assigned to them which, while consolidating our dominions, increased the dignity and honour of those to whom that territory was assigned; and an assurance was held out that Native rights would not be invaded by the British Government. An exemplification of the effect of that policy was seen in the recent events in Sikkim. The people of that country made inroads into our territory, and carried off our subjects. It was the duty of our Government to despatch a force to that quarter to obtain the liberation of the captives, and also reparation for the outrage committed upon them. Reparation was accordingly demanded by our agent, accompanied by an intimation that we had not the slightest intention of annexing an acre of territory. What was the result? Our troops had hardly entered Sikkim before a conciliatory message was sent by the Rajah, which led to the speedy conclusion of a treaty between that Prince and Mr. Eden in the most amiable and satisfactory manner. And not only so, but, with the Rajah's concurrence, a road was to be opened from our dominions through Sikkim into Thibet, and goods were to be allowed to pass into Thibet and Sikkim either at no duty at all or at a very low one. Thus would be attained that which had long been a great desideratum—namely, a land communication between China and India. The Governor General had written to our Minister at Pekin to procure the requisite authority for the introduction into Thibet of a small party of Indian officials, who would penetrate into that country to ascertain what openings there were for commerce. A similar policy had been pursued towards the upper classes of Natives in our own provinces. They had been associated more than they formerly were with the higher agents of our Government. The talookdars of Oude now acted as magistrates, collected the revenue, and performed the other duties of country gentlemen, and the most friendly spirit existed between them and our officers. In a Report from the Chief Commissioner of Oude as to the instructions given to our officers there was this passage—

"The Chief Commissioner's wish is to treat the talookdars as gentlemen of property and station, whose interests are identified with those of the Government, who are its natural born adherents, not opponents, as they have too frequently been considered by our officials; and this view he has inculcated in his subordinates. All district officers have been desired to hold weekly receptions of the native gentry, to visit them on their estates during the cold weather, and to communicate with them as much as possible direct, and not through native subordinate officials, who designedly often adopt an uncourteous tone."

MR. VANSITTART asked the name of the author of that document.

SIR CHARLES WOOD believed it was Mr. Wingfield. Experience had shown, especially during the rebellion, how much the people of Oude and other provinces were attached to their Native gentry and chiefs. Our Government in India had profited by that lesson, and sought henceforth to make the Native gentry and chiefs our steadfast friends and supporters, instead of our enemies. The Home Government had been guided by the same spirit. Some mode of rewarding Native chiefs for their fidelity had long been wanted; and lately Her Majesty had been graciously pleased to institute an Order of Knighthood, which had already been conferred on seven or eight Native Princes of India, some Hindoos and some Mahommedans, with whom were associated European officers, either of the Company or of the Crown, who had rendered distinguished service in that country. The Governor General believed that this measure had had the very best possible effect, and that such a mark of favour from the Sovereign of England and of India would be highly valued by the Native chiefs. The three Indian Bills introduced into Parliament this Session were framed in one and the same spirit—namely, a desire to break down the system of exclusiveness, and admit to a participation in the management of public affairs both European settlers and Natives of rank and ability. By those measures both of those classes would or might have a voice in the Legislature, a seat on the bench, or a part in the Administration of India. The earnest aim of the Government, both in India and at home, was to consult the interests and conciliate the affections of the inhabitants of that country, European and Native. He was aware that one of the three Bills had excited considerable alarm among the Civil Servants. That alarm, however, was, he hoped, now allayed. The Civil Servants had met the proposed changes in the frankest spirit. He did not believe they would be at all injured by what had been done; but it was right to acknowledge the spirit in which they met these changes. He was happy to say that since the Bill had passed he had received a minute from the Governor General recommending a course substantially the same as that which had been adopted. As to the other two Bills, the nature of them was so well known to the Committee that he need only remind them that the first admitted Natives to the highest places in the Legislature of India, while the other would enable them to take their places upon the bench along with Europeans, and by their knowledge of the laws of their own country there was no doubt the administration of justice would be improved. Provision was also made for legislating on local subjects at Madras and Bombay, and other parts of India, which was so much desired by the inhabitants of parts of India away from Calcutta, and which would, he thought, tend much not only to the contentment but to the advantage of India. Those were the measures which had been adopted within the last few months in India and in England, and which he hoped would be productive of great advantage to both countries. It had been a matter of satisfaction to him to find that there was a general concurrence in the policy which those measures indicated. That they were measures of vast importance no one could deny, and he had deeply felt the responsibility that weighed upon him in proposing measures affecting the vast and anomalous fabric of our Indian Empire. Upon such matters no man could be certain of results; but he could only say that those measures were the result of deep deliberation, and had the concurrence of the highest authorities upon Indian subjects. The event must be left in the hands of Providence, and now he could only hope and pray the measures that had been adopted would contribute to the welfare of both countries, and would cement the bond of union between England and India by promoting the prosperity and happiness of all Her Majesty's subjects. The right hon. Baronet concluded by moving a formal Resolution, that it was expedient to give power to the Secretary of State to raise money by way of loans.

MR. DANBY SEYMOUR said, he rose to express his satisfaction at the lucid statement of the right hon. Gentleman, and the wise policy which it enunciated. Indeed, he considered it to be the most satisfactory statement he had made with regard to India since he had the honour of a seat in the House. He could not, in the first place, pass over the great debt which the country owed to the late Mr. Wilson, who had fallen a victim to his zeal in the interests of the public. Another hon. Gentleman had also nearly fallen a victim to his arduous labours in the same cause ; but he was gratified to learn that Mr. Laing had just arrived in England in better health than was expected, and looked forward to being able in a short time to resume his labours in India. It was most desirable that he should be able to do so, because his last speech showed that Mr. Laing felt the absolute necessity of equalizing the revenue and the expenditure, and of admitting the Natives of India to some share in their own Government. The right hon. Gentleman had omitted to notice one point urged by Mr. Laing, that the local Governments should have the power of making minor budgets for their own localties. It would be satisfactory to hear that the right hon. Baronet concurred in that view. Mr. Laing had shown that in Madras 40 per cent of the outlay upon public works was consumed in the supervision of those works. That was an enormous waste of money, but it would always occur as long as the Government had no interest in keeping down the expenditure. The most unsatisfactory part of the right hon. Baronet's statement was that while Mr. Laing estimated a surplus of £300,000, the right hon. Gentleman expected a deficiency of a million. The right hon. Gentleman proposed to make up the deficiency in some part by a licence-tax, which Mr. Laing objected to inflict upon the Natives of India. He (Mr. Seymour) thought less objectionable means could be adopted, one of which he would point out. They had very large military charges in proportion to the reductions in the army. There had been a reduction of 200,000 Native troops, and the number to be kept up in future was 140,000, but the contemplated expenditure for military purposes in future years was higher in amount than it was in 1857. They were quite right in keeping up a sufficient European force in India, but the force now in that country was 19,000 in excess of the European force which the right hon. Gentleman himself had estimated to be necessary for the security of our empire. It was proposed to absorb that excess at the rate of 2,000 men a year, but when the finances of India were so much pressed upon he thought the reduction might be carried out more speedily. But, above all, it was wrong under those circumstances to send out more troops from England. No less than 3,000 men of the most expensive arm, artillery, had been sent from England to India. He could not understand why the number of men could not have been obtained as volunteers from the surplus troops now in India. There was another point to which he would call attention. It appeared that an error of £4,500,000 had been made not six months before in the revenue department of Calcutta in the estimate of last year. He should be glad to know whether this department had lately been thoroughly remodelled, in accordance with a promise of the right hon. Gentleman. He knew that it was the wish of the Marquess of Dalhousie that the Indian accounts should be kept in precisely the same manner as the accounts of the Imperial Government. He saw no reason why trade and navigation returns should not be published periodically, similar to those of this country. The income tax was an apparent failure, but the right hon. Gentleman was, he thought, right in persevering with it, so as to uphold the principle of taxing personal property instead of raising all the taxes from the land. It should not, however, be carried too low. He was glad the right hon. Gentleman did not mean in future to borrow. If the House could depend on the Estimates—and he trusted that Mr. Laing had given the right hon. Gentleman satisfactory assurances on this subject—the expenditure and revenue at the end of the current year would balance each other, leaving out the railways. The recent famine could not fail to draw the right hon. Gentleman's attention to the subject of emigration from India to the West Indian Islands, and other places willing to receive labour. The question was of great importance, from its bearing on the subjects of the slave trade and the supply of cotton, and he trusted that the Indian Government had now ceased to place obstacles in the way of emigration from India. Had the French Emperor been enabled to obtain labour from India for the French West Indian colonies, he would not have been compelled to obtain importations from Africa. He considered the French Government not so much to blame for the temporary extension of the slave trade arising from that cause as the Indian Government. The famine must have convinced the right hon. Gentleman of the importance of encouraging public works in India, for had there been better roads and communications in the North of India no famine would have occurred. The right hon. Gentleman's statement respecting the indigo districts was not perfectly satisfactory. The right hon. Gentleman had prevented the Indian Government from carrying out a beneficial law of contract, but had not suggested any law of contract himself. The Civil Service disliked the planters, and he must say that the conduct of Mr. Eden, which had been justly praised on other grounds, deserved blame with reference to the planters. He thought that the Government had acted improperly in circulating an obnoxious pamphlet, which was a caricature of the planters. With regard to the question of the cultivation of cotton, he considered it would be better promoted by the construction of railroads than common roads. Mr. Locke, formerly a Member of that House, and Mr. Brassey had both assured him that the expense of the maintenance of a road was exactly the same as that of a railway, when it was once made. The only difference was the first cost. He regretted that nothing had been done to advance railways in the southern parts of India, where a communication with the cotton districts was much wanted. He was delighted to hear that at last the Government had adopted a policy so rational and so excellent in every way as that which it had announced with regard to the Native Chiefs and Princes of India, for he believed it would be productive of the greatest possible benefit to the Natives, and ensure the permanent tranquillity of the country, but it had, unfortunately, required a great convulsion and revolution, and a terrible massacre in India to convince them of the wisdom of such a step. If that policy had been adopted in 1853 he firmly believed the mutiny would never have occurred, and an addition of £40,000,000 to the Indian debt might have been averted. They had already found the profit of a wise policy in the opening of China. He remembered when, immediately before the mutiny, a gentleman connected with the East India Company said how easy it would be to govern India for the future. However, since then the mutiny had taught him better, and a policy of conciliation had been introduced. He was glad that the Order of the Star of India had been established, and he was sure the Native Princes had accepted with pleasure and gratitude the the conciliatory policy of the British Government, and that they would henceforth consider themselves magnates of the British Empire as much as Peers of Parliament. As a general rule, every educated Native of India was a friend to this country. He was told by schoolmasters in India that the difficulty was to get the boys out to play, so anxious were they to learn the English language, and so studious and painstaking was the Native character. So good and great a change of policy as had now taken place could not fail to lead to beneficial results.

SIR HENRY WILLOUGHBY said, that instead of following the hon. Gentleman over the wide field of discussion he had opened, he would confine his observations to the subject before the Committee —the state of Indian finance. He had no idea the right hon. Gentleman intended to make his financial statement on India that night. He supposed from the notice paper that the right hon. Gentleman only intended to move in Committee a Resolution upon which he might found his Bill for the Indian loan for railways. The right hon. Gentleman would not forget that on the 11th of February in the present year he had stated that in his view no loan would be wanted for the public exigencies of India, although it was possible a railway loan might be required. But only the other day the House had passed a Bill empowering the Indian Government to raise £4,000,000 for the public exigencies, and, therefore, that amount had been added to the public debt of India. The railway finance of India appeared to be so intimately dove-tailed with the general finance that it required a sharp intellect to distinguish the one from the other. In 1857 the debt of India was £57,500,000, now it amounted to £103,000,000. The dead weight upon the finances of India had, indeed, increased so alarmingly that it had become a source of financial danger to that empire. The collection of Indian revenue amounted to £4,500,000; the allowance to Native Princes and other charges to £2,250,000; and the charge on account of the debt was from £3,500,000 to £4,000,000, making a total of £10,000,000. For the last three years there had been a series of most extraordinary miscalculations, both in India and at home, with regard to Indian finance. Mr. Laing only recently made a mistake of £1,300,000 by the omission with regard to the transfer of the Indian navy. He (Sir Henry Willoughby) must say that the right hon. Gentleman had been very sparing in his observations as to the state of Indian finance. He certainly had hoped to hear something from him as to the cost of the new scheme of amalgamation. They had heard a good deal about the reduction in the military expenditure, and no doubt it had been very great, but the House had not heard a word about the Staff corps, or how the Indian officers were to be secured those prospects which were guaranteed them by the Act of 1858. He could not help sharing and sympathizing with the disappointment Mr. Laing had expressed that the right hon. Gentleman, the Secretary in Council, had not been able to do something to curb the military expenditure on this side of the water. It appeared that the War Office had more control over the finances of India than the right hon. Gentleman and his Council. It appeared that the Secretary of State and Council had no effective control over the military expenditure. The number of men in the Indian depôts in this country was reduced, but the officers were not reduced; and why had not the Secretary of State and Council pluck enough to insist upon a reduction of the officers? If the right hon. Gentleman did not defend the Indian Exchequer, there would be no end of the charges which, on one pretext or another, would be placed upon it. He hoped the House would back the Secretary of State for India, and induce him to defend the Indian Exchequer with more spirit than he had hitherto done. When they were endeavouring to reduce expenditure in India at every risk, and were resorting to the most extraordinary modes of taxation, they should on this side of the water do what was fair and just. It would, therefore, have given him pleasure to hear the right hon. Secretary of State speak with a little more determination on that point; in fact, he believed he had not spoken on it at all. Passing to the subject of railways, he would say that he looked with great distrust upon a Government engaging in such matters, in which substantially they could have no control. This year £8,000,000 would be required, but how long was that to go on? The original estimate for railways in India was £54,000,000 or £56,000,000. Now, he would like the right hon. Gentleman to state what was the extreme amount of obligation that was contemplated on these railways. The companies had raised on paper £32,000,000, of which they had actually advanced £30,500,000. Would the remaining £24,000,000 be the whole of the possible obligation which the House would be called upon, either directly or indirectly, to furnish or guarantee? Those were questions which appeared to him to be of great importance, and he thought the Committee ought to receive information upon them.

Mr. KINNAIRD said, he was glad that the hon. Baronet had called attention to the Indian military expenditure in this country. It was a subject that required the attention of the right hon. Gentleman the Secretary for India, for it was clear that when the amalgamation of the armies took place the object of the Home authorities would be to throw as much expense as possible on the Indian finances, by maintaining large depôts in this country. He agreed with the hon. Member who spoke in favour of giving due importance to the Native Princes in India, but he thought that the hon. Member carried his idea too far when he said that if that policy had been adopted before, there would have been no mutiny. The mutiny, it must be remembered, was a military mutiny. The reduction of an overgrown Native army had long been imperative. A large expenditure under that head was absolutely ruinous, and retrenchment was a source of strength. He could not but deprecate the course taken by the right hon. Gentleman with reference to the loans, as, instead of giving an Imperial guarantee, he was raising money at 5 per cent, which might otherwise be had at three and a quarter, thus disturbing, also, the finances of the country. The Chancellor of the Exchequer must look upon the right hon. Gentleman as his greatest enemy, for he was disturbing his money market for the sake of theories. In India, however, retrenchment was not the only remedy for a deficiency of revenue. He should have been, therefore, glad to hear that remunerative public works were to be extensively undertaken. Increased instead of diminished expenditure in that respect was the secret of wealth and power; and he hoped they would soon see the day when there would be a separate Board of Public Works composed of men like Colonel Baird and Sir Arthur Cotton, who were entirely devoted to their development. Deficiency of revenue instead of being an argument for diminishing expenditure under that head, was only a reason for increasing it. In the watercourses of India lay the wealth of that empire. The old Native Princes had executed the most magnificent works for the purposes of irrigation and navigation, but these had long since fallen into ruin; and it was the duty of England, as the governing power in that country, to see that her internal resources were properly developed. Let those works be restored and they would become the source of fertility and riches. Let them be left as they were, and while occasionally the rivers fertilized the country through which they passed, at other times they desolated it by flood, or left it barren through failure of supply. He might illustrate what he had said by a reference to Cuttack and Tanjore, which were districts of about the same size. During twenty-three years only £2,400 was expended annually upon waterworks in Cuttack, while in Tanjore £11,600 was spent. The annual revenue from Cuttack consequently was only £85,000, while that of Tanjore was £470,000. Land in Cuttack was worth £1 10*s*., in Tanjore £5 an acre; and while Cuttack had the best natural supply of water, yet in twenty-three years it had three years of famine, four of drought, seven of inundation, two of severe inundation, and only seven moderate seasons. The total excess of revenue from Tanjore during that period was nearly £7,000,000. He would ask them, then, which was the true economy?—to increase our expenditure on works of irrigation, and thus our revenue; or to diminish it or allow it to remain stationary? Again, as a mere question of finance, what could be more ruinous than periodical famines? It was unquestionable that they could be averted; and, happily, our interest and our duty equally called upon us to avert them. Closely connected with irrigation was increased facility for the conveyance of goods. The waste of goods in India caused by the want of canals was a fearful evil. He had heard it said in general terms, for instance, that as much cotton was wasted in the interior of the Madras Presidency as was produced in America. Give the Natives of India a market for their goods, and a remunerative price, and there was no limit to what they could produce. But, more than that, the devolpment of roads and of other means of communication was absolutely essential for the administration of justice. He believed that a strict inquiry into the condition of Bengal, for instance, would show that to false economy was owing some of the terrible evils under which the ryots there had for years been groaning. European magistrates were placed in charge of enormous districts, and the difficulty of doing their duty was greatly increased by the want of roads. On every ground, therefore, he felt imperatively called upon to press the question of public works on the attention of the Government, and to demand for the people of India every facility that could be granted, for the development of its natural resources, and of its commerce.

Mr. VANSITTART said, that, having trespassed so often on the indulgence of the House during the Session in reference to Indian questions, he rose very reluctantly on that occasion. He could not, however, refrain from expressing the feeling of deep regret with which he had listened to the statement of the right hon. Baronet, as he thought the practice of coming down to the House year after year for powers to raise loans for India very objectionable. The objection was the greater on the present occasion, because the right hon. Gentleman asked for another loan actually within a week after the acceptance of tenders for a loan, which had been already sanctioned during the year. If, however, the right hon. Baronet preferred to adopt that course, instead of submitting a bold and comprehensive financial scheme in reference to the entire debt for India, that unhappy state of affairs must continue. He was aware that that course had its attractions, inasmuch as all that the right hon. Baronet had to do was to announce his intention to make a loan, and calculate a price at which it would be sure to command a premium, and he was aware by experience that he would find no difficulty in obtaining tenders for twenty times the amount required. But he begged to warn him that, however popular such an arrangement might be regarded on the Stock Exchange, it involved a serious loss to the Indian Government, because the loans were obliged to be issued at a price below that which would be given by regular contractors. The right hon. Gentleman, moreover, encouraged stock-jobbing, and he disturbed the regular and legitimate monetary and banking business of the City. He had no sort of intention to dispute the absolute necessity of completing these railways as rapidly as possible. He thought that was only due from England as the ruling Power—that they were calculated to be advantageous to her, and it must be for her interest that the trade and industrial resources of India should go on expanding like her own every year. But what he complained of was that the right hon. Baronet did not explain the precise position and the relationship existing between those railway companies and the Government. Now that the English Government had stepped forward with the necessary funds to complete them, some explanation on that point was very naturally sought to be obtained by the proprietors and shareholders. It should also be borne in mind that the Indian Government, at the instigation of the Home Government, had interfered very actively in the construction of those railways from the very commencement, and not always to the advantage and profit of the railway companies. Let him take, for instance, the Madras Railway, which ran from Madras to Beypore, on the Malabar coast. The Indian and Home Governments insisted that for military purposes it should be made from point to point, as straight as a needle; and so cleverly had that been done that the railway contrived to avoid every town and village of any importance. The consequence was that the receipts of the last six months, after paying the working expenses, amount to only £7,000, on an outlay of several millions. For his own part, he confessed that, looking to these facts and to the great stake and interest which the Home Government had acquired in these railways, he thought the time had arrived for considering whether it would not be desirable for all parties concerned that we should adopt the Ceylon system—namely, abolish the twelve or fifteen separate companies which now existed in this country, and transfer the management of them to the Secretary of State for India and to his not overworked Council. Would it be believed that to manage a capital not so large as that of the London and North-Western or Great Western Railways there were some twelve or thirteen separate companies, with chairmen, deputy-chairmen, directors, secretaries, clerks, and handsome offices? They were all amenable to one and the same authority, the Secretary of State and his Council, and they refuse to stir an inch or to turn a clod of earth until they obtained a guaranteed interest of 5 per cent. Now, the great advantages resulting from his proposition would be that the shareholders would possess increased confidence in the soundness of their investments—the necessary funds to complete them would be easily raised—very great economy would be introduced, because that part of the Indian Council which was called the Committee for Public Works, would perform all the duties of those twelve or fifteen separate companies with the assistance of a few additional clerks; and, lastly, the great mercantile community would be spared the trouble of having to wander to all parts of the City in quest of the numerous companies now in existence.

MR. CRAWFORD said, that if the hon. Member for Windsor, before recommending that all the railways in India should be handed over to the Secretary of State and his Council, had inquired into the relations which at present existed between the railway companies and the Government, he would have found that they were of such a nature as could not be interfered with except by a direct act of the Legislature. The railways in India had been constructed and were to be managed under contracts entered into by the companies with the Government under the sanction of Parliament, and if they were to be transferred to the Secretary of State and his Council, what, he asked, was to become of the shareholders? The Government could not take possession of the railways without repaying to the proprietors their capital, which was the reason, perhaps, why the hon. Member for Windsor wished to see the railways placed under the management of the Secretary of State and his Council. The hon. Member was largely concerned in the Madras Railway, which happened to occupy a worse position in the market than any other line in India, and if that railway were to be taken by the Government at par, the hon. Member would receive £10 more for every £100 which he had invested in the undertaking than he could obtain by the sale of his shares on the Stock Exchange. Reference had been made to a statement by the Governor General as to enormous extravagance on the part of the railway companies in India; but it should be borne in mind that the whole of the expenditure on railways in India was incurred under the direct control and superintendence of the Government itself. The Government was a party to every item of expenditure, and, therefore, when the Governor General said that enormous extravagance had marked the expenditure of the railway companies, he was fostering a censure upon his own administration. The hon. Member for Poole had urged the construction of more railways; but he could not help thinking that to enter upon such works at the present moment would only increase the difficulties of the time. Money could not be obtained for new railways without the security of a Government guarantee. The existing companies were pushing forward their works with the utmost vigour, and in a very short time there would be 7,000 instead of 700 miles of railway opened in India. Of course, in some instances, the shareholders would be disappointed; but he believed that in the great majority of cases the traffic and profits would considerably exceed the guaranteed amount. He agreed with the hon. Member for Perth (Mr. Kinnaird) that beneficial results would ensue from the sale of waste lands. There was at present a large accumulation of capital in Native hands. That capital would soon require an outlet; and, since the confidence of the Natives in public loans had been completely shaken, he did not see how it could be more judiciously invested than in land. He rejoiced to hear that there was no necessity to ask for money for the general purposes of the Indian Government. The powers now asked were to be only discretionary. He could not help, under these circumstances, expressing his opinions that, in the present state of the money market and the increasing value of Indian securities here, the railway companies would find no difficulty—or, at least, not so much as had been expected—in finding money in the course of the year, and that the Government would not have to use to any very great extent the powers which the House was asked to vest in them.

MR. VANSITTART said, he must altogether disclaim the motives which had been imputed to him by the hon. Member for the City of London, in the recommendation he had made. He had but a small stake in Indian railways; whereas the hon. Gentleman (Mr. Crawford) was not only chairman of the East India Railway, but possessed a very large stake in Indian railways.

MR. J. B. SMITH said, that the statement of the right hon. Baronet in relation to the condition of Indian finance was under the circumstances satisfactory; and he congratulated the Committee that no further loans would be resorted to or needed, except for reproductive public works. In one item of revenue, indeed, there was a likelihood of a further and very rapid increase—he alluded to the revenue produced by the duty on salt. Every additional mile of railway and river navigation which was opened reduced the present enormous cost of carriage, and thus enabled the Natives to obtain salt upon lower terms than before, and in that proportion would the consumption increase. There was one point in the right hon. Baronet's speech which would give great satisfaction to the manufacturers of cotton in this country. For the last twenty years they looked with alarm at their growing dependence upon one source of supply. That dependence had gone on increasing, until last year the consumption of American cotton was 85 per cent of the entire amount. Various steps had been taken from time to time to enlarge the supply; and it was now found that India was the only source to which they could look for receiving any considerable quantity. The right hon. Baronet said that probably 1,000,000 bales would be received from India this year. That receipt was stimulated solely by high prices in England; but what was required was a regular and constant supply from India, so that India might be placed upon the same footing as the United States of America. The foundation of American prosperity in the growth of cotton arose from the cheapness with which the cotton could be brought to market. The American planters had availed themselves of the advantages afforded by their rivers of bringing their cotton to a port of shipment at a very smaller cost. A few millions of dollars had been spent in removing the obstructions to the navigation of the Mississippi, and the result had been to make New Orleans the largest port of shipment in the world. We had evidence that the same results may be obtained by the adoption of the same means in India. Within the last few years the navigation of the Indus had been opened and improved; steam-boats had been introduced and were plying upon it, and Kurrachee now promised to become another New Orleans. The right hon. Gentleman said, the Government had decided upon opening the Godavery in the shortest possible period. He hoped this promise would be crrried out in good faith. If it was the greatest advantages would result. A large part of the richest land in the centre of India—an extent of surface equal to four times that of Ireland—would be opened to trade and cultivation. In the words of Sir Charles Trevelyan, "the opening of this river would be equivalent to the creation of a new trade, to the extension of which no limits could be assigned." There was at present, not unnaturally, great excitement and alarm with respect to the supply of cotton; but if the civil war in America should cease to-morrow, the necessity would still be urgent to secure new sources of supply. It was neither politic nor just that we should rely on one source of supply which, in a great measure, was dependent on the labour of slaves while we had in our own dominions an extent of territory suitable for the cultivation of cotton greater than existed in any other part of the world.

COLONEL SYKES said, he had to observe, with reference to the discrepancies in the statements of the Indian revenue by Mr. Laing and the right hon. Gentleman, that if they could only trust to estimates and budgets, they might rest satisfied. But, unhappily, hope told a flattering tale in India as well as elsewhere, and wishes had been substituted for facts. The real explanation, however, was that the military retrenchments in one of the statements had been assumed to be made, whereas they were only prospective. They however, would soon be effected and to a very considerable extent. But the savings produced by the reduction of the Native force were more than absorbed by the increase of the European force. The reduction of the Native troops had been carried to an extent which would cause inconvenience, and he was afraid would prove dangerous to the public interests. They had now 19,000 Europeans in India beyond the proposed future establishment, in addition to which 3,000 artillerymen were to be sent out immediately from this country. Surely, out of that excess of 19,000 Europeans in India, 3,000 volunteers for the Artillery might have been obtained, so as to save the expense of sending out those 3,000 men. The debt of India was 57½ millions sterling in 1857. Now it amounted to 103 millions, but this was only two and a half years' revenue. In that respect India was better situated than England, whose debt was twelve and half years revenue, or any European country. He had, therefore, good hopes of a satisfactory financial condition in India, provided the proper sources of economy were duly attended to. The civil and political establishments of India, including the charge for contingencies, cost in 1856-7, £2,556,000, while in 1860-1 they cost £3,684,000. The judicial and police charges had risen from £2,812,409 to £4,004,500. Those figures exhibited a vast increase, for which there was no apparent necessity. In the charge for the police establishments of India considerable retrenchments might be effected. Any outlay on works of irrigation, canals, and roads was politic and highly reproductive. The Ganges canal was as magnificent a work as any in Europe; and a commercial company had taken advantage of it to establish a system of transit by boats in its channel, and on the 31st of January last the Company advertised from Cawnpore a dividend of 34 per cent on its capital in one year from the transit of boats on that canal. The value of that means of carriage during the late famine it was impossible to exaggerate. No doubt India would prosper if we ruled it in a manner calculated to insure the confidence, and to win the affections of its people. The ill-judged income-tax had yielded 50 per cent less than its estimated produce; and, its operation reaching down to persons having only £20 a year, and living from hand to mouth, it had led to frightful oppression in numerous instances. The myrmidons employed in its collection were reported, in some cases, to have forced their way into women's apartments, and to have stripped them of their earrings and other jewellery. He trusted that, in accordance with Mr. Laing's suggestion, this obnoxious impost would be restricted to incomes of above £50 per annum. Upon the whole, however, he congratulated the right hon. Gentleman upon the statement he had made, and he confessed he looked forward to a happier future for India.

Mr. J. B. Smith

MR. W. EWART said, that he, too, wished to congratulate the right hon. Baronet (Sir Charles Wood) on the general character of the statement he had laid before the Committee. At the same time he wished to call attention to the importance of encouraging the emigration into India of British settlers, upon whose capital and intelligence the fate of that empire must to a great extent depend. It was indispensable to any sound system of internal commerce in India that there should be a more satisfactory law of contract, visiting with proper penalties any breach of faith between the landlord and the ryot. In Bengal a great improvement was required in the police, and small debt courts, administering justice cheaply and expeditiously between debtor and creditor, ought to be established. The laws should be executed impartially towards Natives and Europeans; but the English settler who had not been fairly treated heretofore ought to be fairly treated. It was to him that they must look for the introduction of Western civilization into India. One of the great evils of the present system of conducting business was the making of advances, If the system of advances could be got rid of, and a good law of contract established, a great benefit would be conferred upon India; and if the extended cultivation of cotton was to take place, such a law would be more necessary even than it is at present. It would be wise, as suggested by the Committee on settlement in India, to sell waste lands in fee simple. Thus, cultivation by means of British capital, would confer lasting advantages upon India. The extended communication through Thibet with Central Asia would open a new outlet for our manufacturers, especially our woollen fabrics. He was disappointed that nothing had been said by his right hon. Friend on the cultivation of tea upon the southern slopes of the Himalayas. That cultivation was destined to become a source of immeasurable wealth to India. He was gratified to find that the right hon. Gentleman intended to recognize the legitimate position of the Native gentry of India. From long habit, from time-honoured associations, the people of India recognized and respected them, and their authority was an obvious means and instrument of govering the people. After hearing the speech of the right hon. Gentleman, he ventured to believe that the financial difficulties of India were not irremediable. Far from it. Better times were opening on them, disclosing a futurity hopeful alike to India and to England.

MR. ADAM observed that at last they had turned the corner in Indian finance, and were about to enter upon the region of surplus after being so long in the deserts of deficits. That hope, however, was damped by a recollection of how often they had been deceived by fallacious figures in relation to Indian finance. The same thing had happened now. Mr. Laing estimated a surplus, but the right hon. Gentleman the Secretary of State declared a deficiency. What was the Committee to believe? They had hitherto been working in the dark, but he trusted, under the new system about to be inaugurated, more reliable information might be obtained. He had read Mr. Laing's speech to the Council with very great pleasure, and had risen from the perusal of it with the impression that India had at length got a financier who would be able to understand her requirements. There were, however, many things in the speech with which he could not agree. In the first place he thought that in the attempt to diminish the Native force too rapidly he had incurred some danger. The last accounts stated that there was an uneasy feeling in the Punjab, arising from the number of soldiers who had been disbanded, or who were about to be disbanded. Another point upon which he differed from Mr. Laing was as to the Indian navy. It was quite right that the Indian navy should be put upon a different footing; but, although it might be a saving to India, it would be none to this country, which must keep up a naval force if the Indian navy was not employed. Mr. Laing had unconsciously borne testimony to the truth of what was urged by the late Lord Elphinstone and Sir Charles Trevelyan against the taxes proposed by Mr. Wilson. The three taxes proposed by that gentleman were now practically inoperative. The income tax only produced one-half the estimated amount. The Licence Tax Bill had not been read a third time, and the tobacco tax was never mentioned now. He did not object to a licence tax or an income tax which would reach the richer classes—those who most benefited by our rule, and he hoped that what Mr. Laing proposed would be carried out—a blending of the licence with the income tax in such a way as to satisfy Native ideas. One of the most important fixtures of the Budget was the granting to local Governments a voice in matters of legislation and taxation. The great curse of India was centralization, and he trusted that that evil would now be remedied. He agreed with the hon. Member for Perth (Mr. Kinnaird) that they were now borrowing money at an unnecessarily high rate, for although they practically gave an Imperial guarantee they could not do so formally, and thus, for an idea, they were losing a large sum every year. Another point deserving consideration was the unfairness of charging the Indian depôts in this country to India, seeing that they constituted so much increase to the force in this country. The question of the land tax and its redemption had been treated incidentally in the course of the present discussion, and an hon. Gentleman had suggested that any person holding land in India should be allowed to redeem the land tax. He believed that, if that matter were worked judiciously, the Government possessed a mine of wealth in connection with it. In conclusion, he expressed a hope that in future years Indian business would be brought forward a little earlier in the Session, so that the House might have more time to consider it. He thanked the right hon. Gentleman the Secretary for India for his able statement, and he had great hopes that they had at length got into calm weather as regards Indian finance.

Mr. GREGSON remarked that the debt of India amounted to only about two and a half times the revenue of India, while that of England was equal to twelve years' purchase of our revenue. He could not, therefore, think it desirable to encourage India by an Imperial guarantee to raise money in this country. He admitted that the statement which had been made respecting the finances of India presented a favourable appearance; but, seeing that India was in perfect tranquillity, and that all the Native Princes were in amity with the Government, he believed that the expenditure might be still further reduced. He was glad to hear it distinctly stated by the right hon. Gentleman the Secretary for India that it was intended to go on with the works for improving the navigation of the Godavery, and he should offer no objection to the proposed loan, for he concurred with Mr. Laing in thinking that money could not be more advantageously employed than in improving the roads in India. He conceived that the Bengal planters had some reason to complain that the system of contracts had not been put on a proper footing, and he trusted that the right hon. Gentleman would turn his attention to that subject, in order that harmony might be restored between the Natives and the planters. He also would express a hope that the duty on salt would be reduced as soon as the increased revenue derived from it would permit.

Mr. BAZLEY said, he wished to thank the right hon. Gentleman on the part of the commercial community for the efforts that he was making in their behalf. At present a great commercial calamity was impending. There existed in this country at the present time a supply of cotton from the United States that might be sufficient for our immediate wants; but if the United States blockade were not broken, or some other source of supply were not obtained, next year would be one of calamity. His right hon. Friend had referred to a larger importation than usual that might be expected from India. Last year it was 600,000 bales; this year it was expected to be 1,000,000. But they must recollect that other nations would be competing with us for that additional supply from India. America at the present time was receiving supplies of cotton from Liverpool. The embarrassment which existed at the present moment with regard to the supply of cotton he hoped would be beneficial in developing the great resources of India. The consumption of cotton in this country was 2,500,000 bales last year. The imports from India this year it was expected would amount to 1,000,000. It was the duty of Government to do all they could to promote the cultivation of cotton in India. There was a general impression that the great desideratum was an improvement in the cleaning and preparation of cotton in India. But that was not so. It was a better quality of cotton that was required. The cotton from America had a fibre twice as long as that from India, and he did not hesitate to say that by proper modes of cultivation, and by growing cotton of a superior quality, the ryot might get eight times the reward for his labour and produce as he now obtains. His hon. Friend had stated that more cotton was wasted in India than was used in England. Nothing could be more erroneous. The cotton consumed in England was worth £30,000,000, and the same quantity of Indian cotton would be worth £12,000,000, and it was not likely the ryots would lose such an amount. It was another mistake to suppose that as much cotton was grown in India as in all the world beside. The truth was as much might be grown there as in the United States; but while the latter crop was worth £40,000,000, the ryots never obtained more than £15,000,000 for what they grew. He would urge upon the Government the propriety of encouraging the improvement of the crop in India, and of opening up the means of transport; and, if they did, they would not only promote the prosperity of India, but would relieve this country from dependence on a foreign source of supply, and take away our share of the guilt that was incurred by the encouragement we gave to slave-grown cotton.

Mr. HADFIELD urged the propriety of giving power to trustees to take advantage of the opportunity which was presented by the proposals of the Secretary for India to invest the funds at their disposal at a better rate of interest than was to be obtained by an investment in Consols.

Sir CHARLES WOOD briefly replied. The hon. Member for Evesham (Sir Henry Willoughby) had alluded to the close connection there was between the railway expenditure and the general expenditure. It was impossible to keep the two entirely separate. The hon. Gentleman wished to know what the future charge would be. The utmost amount for the construction of railways in India would be £56,000,000. The hon. Gentleman the Member for Windsor (Mr. Vansittart) objected to a loan to make good the deficit in the payments on account of the railways. What were they to do? So long as the railways were not completed the Government were losers to the extent of the guaranteed interest.

MR. VANSITTART said, he did not object to the railway expenditure. What he had said was, that the Government ought to have submitted a more comprehensive plan with regard to the railways.

SIR CHARLES WOOD said, the cost of the railways would be £56,000,000. If the railway companies could not raise the money for the completion of the lines, the Government must. They must complete the railways that they had undertaken should be constructed. The Government had considered the question of taking possession of the railways; but they had come to the conclusion that, on the whole, it would not be advantageous to do so. They thought it better to advance money, thus putting themselves in the position of shareholders.

Resolution *agreed to.*

Resolved,

"That is expedient to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India."

House *resumed.*

Resolution to be reported *To-morrow.*

WAYS AND MEANS.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

EASTER OFFERINGS.

PAPERS MOVED FOR.

MR. DILLWYN said, that in the absence of his hon. Friend (Mr. Barnes) he rose to ask the Home Secretary, Whether his attention has been drawn to the state in which the town of Accrington has been placed by the Vicar of Whalley seizing the household goods and other property of poor parishioners, and selling the same by auction, to enforce the payment of small sums of money claimed by him for Easter Offerings? Accrington contained a population of 17,000 persons, and its inhabitants were called upon to pay for religious services which were rendered, not to themselves, but to the people of Whalley and its neighbourhood. He had no doubt that the demand thus made by the Vicar of Whalley may have been legal; but it had been enforced in a manner little calculated to raise the Church in the eyes of the community, or to promote the harmony of the district. Though compulsory payment was contrary to the spirit with which Easter offerings were originally established, the goods of some of the poorest inhabitants of Accrington had been seized and sold by public auction, and these harsh proceedings on the part of the Vicar of Whalley had naturally led to great excitement, almost amounting to riot. He hoped the right hon. Gentleman the Home Secretary would inquire into the circumstances, and, if necessary, bring forward a measure on the subject next Session. He called attention to two petitions which had been presented on this subject, and their prayer was so moderate and reasonable that he hoped the right hon. Secretary of State for the Home Department would take the matter into his serious consideration. He moved for any Correspondence that had taken place.

MR. HADFIELD seconded the Motion. He could not understand why those dues should be claimed by a clergyman who rendered no service whatever to the persons from whom he claimed them.

SIR GEORGE LEWIS said, that in consequence of the notice which had been given on the subject by the hon. Member for Bolton (Mr. Barnes) he had caused a letter to be written to the clerk of the magistrates at Accrington, and he had received from him a reply explanatory of what had taken place. He should be very happy to submit it for the information of the hon. Gentleman and the House. The facts appeared to lie in a very narrow compass. There was some dispute with regard to the legality of Easter offerings in the parish of Accrington. He had no information whatever in regard to the legality of those claims; but if there was any legal defence to those against whom distress warrants had issued, they would, no doubt, raise the question by an action of trespass. It was essentially a question of civil right, and it would not be competent to the Executive Government to interfere in any way in the matter. At least, he knew of no power that resided in the Executive Government to decide questions of this nature. He was informed that distress warrants had been issued against thirteen individuals; their goods had been seized and sold by auction, but bought up by two persons representing some association for the protection of those whose goods were seized under these distress warrants. Considerable excitement prevailed at the time of the auction, but there was no breach of the peace, a party of police who had been present being quite sufficient to maintain public order. That was the account which he had received from the clerk to the magistrates. With regard to the general question of Easter offerings, his impression certainly was that they were a voluntary gift, and not recoverable by law; but he presumed there was some special custom or practice in that part of the country which enabled the vicar or incumbent to assert a legal claim. He repeated he had no information as to the legal nature of those claims, and he could see no ground for the interference of the Secretary of State.

POLAND.—QUESTION.

MR. HENNESSY said, he wished to ask a question of which he had given notice. He wished to know, Whether a despatch existed in which the noble Lord (Viscount Palmerston), when Foreign Secretary, had stated, with reference to Poland, that the rights of the Czar were incontestible; and, if so, whether there would be any objection to its production?

VISCOUNT PALMERSTON: I have looked at these despatches since notice was given. There is no such expression in any despatch as that the rights of the Czar were incontestible. There will be no objection to the production of the despatches. There is a note from Count Sebastiani to Prince Talleyrand, communicated to me at the Foreign Office, and a despatch from me to the British Ambassador at Paris in answer to it.

ECCLESIASTICAL REGISTRY IN ENGLAND AND WALES.

RETURNS MOVED FOR.

MR. DANBY SEYMOUR said, that he rose to move for the Return of which he had given notice relating to Ecclesiastical Registries. It divided itself into three parts—first, as to the state of the registries, many of which in 1832 were reported to be in a very dangerous condition; secondly, as to their subordinate officers—their names and qualifications; and thirdly, as to the total number of fees received by all ecclesiastical officers. The registrars were bound to have their tables of fees hung up in the Courts, and, therefore, there ought to be no difficulty in producing that part of the Return. Many of these Gentlemen were in the enjoyment of sinecures of £1,200 a year, and there was something astounding in the insolence of their refusal to give a return of their fees without being paid out of the public purse for their trouble in doing so. The information was necessary to enable the House to understand the abuses in the ecclesiastical system; and, by refusing to furnish it, the Home Secretary appeared to be shielding improper practices.

The hon. Member concluded by moving for the Returns respecting—

> "Every Ecclesiastical Registry in England and Wales, stating in what town situated; whether in a private house or a public building, and whether such house or building is fireproof; if not fireproof, whether the books and documents are kept in fireproof safes; if not, how kept.
>
> "Of the names, places of residence, dates of appointment, by whom appointed, professions, whether if clergymen, and what appointments they hold; and if any other occupation what employment of the following officers:—Registrar; Deputy Registrar; Apparitor; Sealkeeper; Chancellor or Vicar General, Commissary, or Official; Surrogates; Proctors; Advocates resident in the diocese; Copy of Table of Fees; and, of the total number of Fees received respectively."

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "That there be laid before this House," &c.

SIR GEORGE LEWIS said, the hon. Gentleman had used a singular argument for calling for these Returns, because he seemed to be already in possession of a large part of the information for which he asked. The hon. Member reproached him for wishing to suppress valuable information; but the truth was that the information was not already in existence, or the hon. Gentleman would be most welcome to it. To obtain it it would be necessary to call upon the officers of the Ecclesiastical Courts under the Bishops to go through a great deal of labour in drawing up what would amount to an exceedingly elaborate report. An effort was made by the Home Office last year to procure this mass of information, when remonstrances were sent in as to the impossibility of obtaining it unless the persons employed for the purpose were remunerated for their trouble.

Not having any funds at his command for such an object the matter had rested in abeyance up to this time. The ordinary course when so voluminous a mass of information was sought was for the hon. Gentleman who desired to have it to move for a Committee, or even propose an Address to the Crown for a Commission. Again, if the House chose to make an order upon each officer of these Courts requiring him to furnish the information, no doubt that order would be compulsory; whereas the Crown could only call upon him to do it upon his allegiance, and could not enforce the performance of the duty. The Government, therefore, could not agree to the hon. Gentleman's Motion.

Mr. DANBY SEYMOUR asked whether the right hon. Baronet would give the permission of the Government to the appointment of a Committee next year?

Sir GEORGE LEWIS said, he could only reply that if the hon. Gentleman would make a Motion for a Committee next year no doubt the House would give it their consideration.

Mr. BERNAL OSBORNE said, he thought it rather unfair to put such a question to the right hon. Baronet in his present dubious state, he now being half at peace and half at war. His successor at the Home Office would be the proper person to give a pledge on the subject. At the same time, the right hon. Gentleman should remember that the Returns he objected to had been given in the case of Ireland; and why, therefore, were they not to have justice to England?

Mr. DISRAELI said, he must protest against its being supposed that it was in the power of any Government to grant a Committee. All that the Government could do was to listen to any Motion that was made on the subject. It was the privilege of the House itself to appoint Committees, although hon. Gentlemen were too much in the habit of allowing the Government to assume that function.

Mr. AUGUSTUS SMITH suggested that instead of moving an Address to the Crown, the hon. Member (Mr. Seymour) should move for an order of the House for the production of these Returns.

Mr. HENLEY said, that having sat on the Committee which investigated the subject eleven years before, he could promise the hon. Member who made the Motion a great deal of valuable information, not to say amusement, if he would take the advice of the right hon. Gentleman the Home Secretary or Secretary at War—one could hardly tell which—and move the revival of that Committee.

Question, "That the words proposed to left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee.

Mr. Massey in the Chair.

(In the Committee.)

Original Question again proposed,

"That a sum, not exceeding £25,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge of Civil Contingencies, to the 31st day of March, 1862."

Mr. W. Williams and Mr. Bernal Osborne rose together. Yielding to the loud calls for Mr. Bernal Osborne, the hon. Member for Lambeth gave way.

Mr. BERNAL OSBORNE said, as he was cut short in a quotation at ten minutes to four o'clock, it was rather unkind in the hon. Member for Lambeth to wish to prevent his resuming it in the evening. But, on the other hand, he was rather glad he had had time, since the adjournment of the House, to examine the Vote, as he was the better able to propose what he thought would be right to deduct from the credit of £75,000. He would put it at £2,000, a sum which would give the Committee an opportunity of discussing some of the items, and allow him to make a few observations upon them. The first item was the charge of £273 for the expenses of the various colonial Bishops in visiting their dioceses. He would not, however, insist on being too particular as to that Vote. There was another to which he would direct the attention of the House, chiefly for the sake of asking for some information on it. It was the charge for fees paid on conferring titles of dignity. A sum of £512 was asked for passing under the Great Seal a patent granting to Lord Brougham a barony with one remainder. He was the last person in the House who would ever say anything to detract from the justly-established merits of Lord Brougham; he thought he had well earned the gratitude of the country. But when he saw an item of the sort for the first time brought under consideration, he felt bound to call attention to it, and he was told that this was a peculiar patent, as it proposed for the first time in the history of granting peerages to skip one generation. The successor to this title was a Whig of acknowledged ability, who, like other Whigs, had retired on an acknowledged pension of £2,500 a year after a few years' services. He would not object to the Vote if it was admitted that great men's patents of nobility were to be paid for by the public; but, if not, why was an exception made in favour of Lord Brougham? Some explanation ought to be given before that item was voted. There was another charge of £188 for passing under the Great Seal the letters patent appointing the Duke of Argyll Postmaster General. A good explanation might, perhaps, be given of that item; but the House would be curious to hear what were the circumstances under which the Postmaster General's patent was to be paid for out of the public taxes? He came next to the charge of £1,415 for erecting galleries in Hyde Park for the Volunteer Review of last year. He believed more ill-will than pleasure was created by these galleries. He was told by an hon. Gentleman next him that he could not obtain a ticket for the gallery, nor could any of his friends; and if it had come to this, that galleries were to be erected on public occasions for the friends of whoever might happen to be in power, he believed it would be a very strong argument in favour of a Reform of Parliament. To that Vote he objected altogether, and would certainly divide the House against it. He now came to the last item of £944 for the Commission appointed for promoting and encouraging the Fine Arts in connection with the rebuilding of the Houses of Parliament. The appointment of that Commission was a most unfortunate thing for the Fine Arts, as well as for the pockets of the people of the country. It was appointed in 1841, when the new Houses of Parliament were first begun, under the pretence of taking advantage of the opportunity to encourage the Fine Arts. The Commission originally consisted of twenty-one members, all gentlemen highly distinguished in society. No doubt they felt themselves very well employed while spending the public money in promoting the Fine Arts — with what effect let the House judge. Since the appointment of the Commission eleven of the members had died, and it at present consisted of fifteen; and—what the House should always avoid—they were gentlemen of great taste. Whenever they appointed a Commission of gentlemen of great taste they might depend the public purse was in great danger. In 1846 the Commission proposed that £4,000 a year should be spent in decorating the Houses of Parliament, and since that year £60,000 had actually been expended for that purpose. Was any hon. Member of the House not connected with the Fine Arts satisfied with the way in which that sum had been laid out? He would not make his quotation again, but if the Houses were ruins, and the New Zealander Lord Macaulay had depicted were sitting on a fragment of Westminster Bridge, if any of the frescoes remained, would he not think that they had been painted by Pagans? Not that there was any chance of their being in existence, for at the present moment they were falling from the walls. Cordelia was defaced, and Lear was almost invisible. Had not the £60,000 been grossly and wantonly wasted by this Commission? He had spoken of the frescoes only; but the Commission had been been in the habit of laying out money for purposes for which it was not originally voted. Mr. Maclise, the celebrated artist, contracted to paint certain pictures, to be completed in ten years, for which he was to receive £10,000. In 1855 the House granted £1,500, on account, to Mr. Maclise. But Mr. Maclise had since repudiated his contract. What did the Commission do? The Kensington Museum was convenient; there were rising artists to be encouraged, and this £15,000 was employed for that purpose. Hon. Gentlemen had been in what was called the Painted Chamber. There was there a series of what had been called "splendid sign paintings." Twenty-eight Tudor portraits, furnished by the Kensington Museum at £70 a head, so that the money voted for Mr. Maclise was devoted to the encouragement of unknown artists, and twenty-eight, not paintings, but inferior copies of the most approved Wardour Street School, were purchased in order to encourage the rising artists of the Kensington Museum. It was a little too much for the Fine Arts Commission to take upon themselves in that way, and it was high time for Parliament to step in and put a veto upon such proceedings. Then, again, as to the frescoes, he could only say, although not a man having a taste in that House, that he thought they were disgusting exhibitions. They cost £600 each, and the only good the country would get for the money was that in five years they were all likely to fall off the walls. Who were the designers? Who had commanded them? That House had nothing to do with them, but the fifteen hon. Gentlemen had who met to spend the public money, though not to the public satisfaction. He was fortified in his opinion by the right hon. Gentleman whose vote perhaps he could not claim, but whose silence at least he should expect—the present Chancellor of the Exchequer. That right hon. Gentleman could defend and adorn any subject—he could even prop up Her Majesty's Ministers. He said, on August 3, 1860, "He did not hesitate to admit that the ornamentation of the Houses of Parliament had been in many instances enormously and ludicrously overdone." That was the Chancellor of the Exchequer's opinion of the Fine Arts Commission. The right hon. Gentleman was not only a man of real taste, but he had a sincere desire to save the public money, and it could only be by the pressure of gentlemen in his neighbourhood who had enormous taste that he could be brought to consent to so prodigal a waste of money. But there was not only a question of taste but one of historical judgment in respect of the statues about to be put up. He was sorry to make any charge—he made no inuendo—but he did not think the right hon. Gentleman the First Commissioner of Works had acted with candour in the matter. Upon the same occasion when the right Gentleman the Chancellor of the Exchequer denounced the Fine Arts Commission in August, 1860, there was a great debate as to the sum to be appropriated for the erection of statues. Originally in 1845 the Fine Arts Commission, with that prodigality that distinguished all gentlemen who were putting their hands into other people's pockets, and spending other people's money, proposed to have statues of British monarchs from Egbert to William IV. The House had then one of their fits of economy, and rather objected to have a series of statues from the renowned Egbert down to the equally renowned William IV. and it was agreed that there should be only four statues, one at each corner of the Royal Gallery. The right hon. Gentleman the First Commissioner of Works—if he would only save them from such works as these, had hardly acted with candour, his love of monarchy exceeded his admiration of that House. On August 3, 1860, there was an item of £1,600 for two British Sovereigns, and great contention arose as to who those Sovereigns should be. The hon. Member for Brighton was all for Oliver Cromwell. [Mr. WHITE: Hear, hear!] The hon. Member for Dundalk would not hear of Oliver Cromwell. [Sir GEORGE BOWYER: Hear, hear!] The tide of opinion ran strongly, and the House, not feeling that confidence in the First Commissioner which they ought to have felt, the right hon. Gentleman withdrew the Vote, and in doing so said—"He did it with a view of considering whether some selection of Sovereigns might not be made that would be generally acceptable to the House." Of course it was expected then that they were going to have four respectable Sovereigns, at £800 each, and, therefore, he (Mr. Osborne) made no objection, relying upon the First Commissioner; but it now appeared, from the 12th Report of the Fine Arts Commission, signed by one Royal personage, one literary Peer, and one late Radical M.P.—the Prince Consort, Lord Stanhope, and Lord Llanover—one of the recent creations. They now recommended that Mr. William Theed be invited to undertake two of the marble statues to be placed in the Royal Gallery—those of William IV. and George IV. They were to be seven feet high upon proportionate pedestals. Mr. Thorneycroft was to be invited to undertake other two statues—those of Charles I. and James I. The money had been voted, and now the Committee found themselves in the same position as they were with respect to the Military College which they had been discussing that morning. They voted the money for the College, and the College would be erected; they had voted money for four statues, and these four statues of four distinguished monarchs would be undertaken at the expense of the nation. No doubt they would hear from the Treasury bench some talk about the necessity of promoting the fine arts; but in answer to that, by anticipation, he would refer to a previous Report of the Fine Arts Commission, in which it was stated that since the institution of the Commission the encouragement of art had been so much increased in this country by private orders that it was no longer an object to apply the public money for its promotion. He repeated that it was high time that Commission of gentlemen for spending other people's money should cease. He thought he had shown fair reason why that particular Vote of £994 should be refused, and if hon. Gentlemen could not agree with him in voting that £2,000 be deducted from the Estimate, he hoped they would join him in aiming a blow—for he avowed his object was to put an end to the Fine Arts Commission—in aiming a blow at this "profligate expenditure," to use a celebrated phrase of the Chancellor of the Exchequer. He should move that the Vote be reduced by £2,000.

Motion made, and Question proposed,

"That a sum, not exceeding £23,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge of Civil Contingencies, to the 31st day of March, 1862."

Mr. COWPER said, that as he had been personally alluded to by the hon. Gentleman, he supposed he ought to say a few words in defence of his candour, even if he did not enter into the general question of his vote. His hon. Friend had been kind enough to remember what he (Mr. Cowper) had said during the last year, but he had not remembered what he had said in reference to these statues in the present year, when the Vote was passed. The estimate as framed in the previous Session appeared to pledge the House to a series of forty-two statues, from Egbert down to the last Sovereign who preceded her present Majesty. There was no such intention on the part of the Government, but as the form of the Estimate did appear to pledge the House he withdrew the Vote, stating that consideration would be given to the question whether a selection could not be made that would be acceptable to the House. When it became his duty to explain the Vote of this year, he gave his explanation in such a manner as, he thought, ought to have guarded him against any charge of want of candour. He had not trusted to his own memory, but referred to what he was reported to have said on that occasion. He was reported in *The Times* to have said that the Fine Arts Committee had been engaged for a long series of years in endeavouring to promote art in that building, and that they proposed that four out of the twelve statues in chronological series were to be placed one at each side of the principle doors of the Royal Gallery. It often happened to them in that House that they said too much, but he ought, perhaps, to regret that on the occasion to which he referred he had not said a little more. He ought, perhaps, to have explained at some what greater length the meaning which he had endeavoured to sketch out in those few words; but he had taken it for granted that hon. Members interested in the subject had read the Report of the Commission on the Fine Arts, which had been on the table for some time before the Vote came on. In the report of the Sub-committee, which was referred to in that of the whole Commission, it was proposed to divide the chronological series into three portions:—first, twelve statues in the Royal Gallery; and then a certain number in two others respectively. In St. Stephen's-hall were statutes of men who had been distinguished in the House of Commons; and the Fine Arts Commission suggested that in the Royal Gallery and other parts of the approach through which the Sovereign passed there should be statues to illustrate the Monarchy and the history of the country. He thought that that view was not an unreasonable one on the part of the Commission. The Fine Arts Commission had been in existence for nearly twenty years, and it had produced twelve Reports. The Commission had been preceded by a Committee of that House which sat in 1841, and which recommended that an encouragement should be afforded to the fine arts which could not be given by private persons. Private persons had not houses sufficiently large to have large pictures, and without large dimensions they could not have frescoes, or any historical art on a grand scale. It was thought that advantage should be taken of that building to encourage high art. He did not presume to put forward his opinion against that of any other Gentleman who thought himself more competent to form an opinion on the subject, but it was the opinion of very good judges that the proceedings of the Fine Arts Commission had done a great deal to encourage an important school of painting. [Mr. B. Osborne: Oh, oh.] When the hon. Gentleman found fault with the decay of the frescoes—[Mr. B. Osborne: I did find fault with that.]—he thought that his complaint was not well founded. With two exceptions the frescoes were in good preservation; and he hoped they would last 300 years. The hon. Gentleman might go over the good frescoes and rub them with a towel without doing them injury, or he might endeavour to get rid of them by scrubbing them with water and a brush. [An Hon. Member: And soap.] No; without soap; but he would find that the operation would have no effect in removing them. It was in that building that the practice of painting frescoes was commenced in England. They had been painted in other buildings since; and there was a very fine painting of that kind in the hall of Lincoln's-inn. With regard to sculpture, there was a demand for statues in the streets of our great towns, and it was important to set forth good examples in the Houses of Parliament. Excellence of sculpture was more easily attained and developed in the representation of historical and Royal personages, than in the imitation of the costumes of the present day. The Royal Commission was appointed for the purpose of giving encouragement and support to the fine arts, and he believed it would be conceded that the internal decorations of the Houses of Parliament were a credit to the country and elicited the admiration of foreigners. [Mr. B. OSBORNE: Oh, oh!] His opinion was that, on the whole, they had reason to be proud of the manner in which the money had been expended in those decorations. He admitted that in the lavish carving of the exterior money had been wasted. The names of the members of the Fine Arts Commission were a guarantee for confidence in that body. These were men who might be well trusted with the selection of a few statues and paintings. For a long period of years a sum of £4,000 had been annually placed at the disposal of the Committee of Fine Arts, but that year, for the first time, a much less amount was demanded, and that sum was to be spent entirely on the four statues, no new pictures being contemplated at present. He repeated his belief that no one was to blame for the manner in which the money was expended. At the time the Vote passed, the Committee of Fine Arts had not come to any decision regarding the statues to be selected. They had received a Report from the sub-committee, but had arrived at no conclusion upon it; and it was after the Vote of the House that their decision was given.

MR. GREGORY observed, that he was bound to say that it would have been better had the right hon. Gentleman been either a great deal more laconic or a great deal more communicative. On three different occasions the right hon. Gentleman had addressed the House on the subject of those statues. Last year, when the question was fully discussed, there unquestionably prevailed in the House a feeling of opposition to the proposed series of thirty-eight statues of British monarchs in chronological order; the objection being taken wholly from an artistic point of view, and without the smallest disrespect to any of the former monarchs of England. The hon. Member for the Tower Hamlets on that occasion objected strongly to imaginative statues of Saxon monarchs, and laid great emphasis on the fact that one of them was an extremely immoral character. The result was that the right hon. Gentleman withdrew the Motion, stating in the most clear and unmistakable terms, as preserved in *Hansard*, that he did so "with a view of considering whether some selection of sovereigns could not be made which would be favourably accepted by the House of Commons." Now, he asked, what chance was the right hon. Gentleman giving the House of Commons of favourably accepting any selection of monarchs? No one had been more amused than himself at the good-humoured jest of the noble Lord at the head of the Government, a few nights before, who asked him whether he could wonder at the difficulty experienced in selecting sovereigns, when he himself had such trouble in finding Members to serve on the Galway Committee. But at that very time the selection had been made. The House was allowed to believe by the First Commissioner of Works at the time the Vote of £3,200 was agreed to, that the question of what four monarchs would be selected was still open to consideration. Certainly the impression left upon his mind was not that the monarchs chosen would be George IV., William IV., James I., and Charles I.; but that the choice lay between the Edwards and the Henries, or possibly Alfred the Great. Not to use an offensive word, he believed that in the proceedings of the Government on the question there had been a want of candour amounting to a *suppressio veri.* The Government knew perfectly well that four statues had been selected which would be unpalatable to the House of Commons, and that if a plain issue had been raised with regard to them their execution never would have been sanctioned. They shifted and they shuffled; and having last year withdrawn their scheme, with a view of considering whether some selection acceptable to the House of Commons could not be made, they now came forward and declared their intention of persisting in the chronological series of statues which was repudiated by the House of Commons last year. It would have been much better and more candid had the right hon. Gentleman, on their part, come forward to declare that a pressure which they could not resist had been brought to bear upon them; that they had changed their original intention, and called upon the House of Commons to support them in their altered views. There was some difficulty in discovering whether those marble statues were ordered with the object of doing honour to Royalty in England or of encouraging English art. If with the former intention, he certainly did not think honour had been done in the right place. If with the latter he believed the proposed method to be the very worst way of encouraging art which could be adopted. The old maxim of *fiat experimentum in corpore vili* was to be applied to the House of Commons, and artists were to try their 'prentice hands on statues to adorn its approaches.

THE CHANCELLOR OF THE EXCHEQUER said, he could not help feeling that his hon. Friend who had just sat down had been unjust towards his right hon. Friend the First Commissioner of Works in charging him with a want of candour. Several of those occupying seats upon the Ministeral bench had a distinct recollection of the facts as they really happened. Last year, when the Vote was proposed, the feeling of the Committee was very adverse to it. His right hon. Friend withdrew the Vote for the time, and undertook that the question should be thoroughly reconsidered. He took measures to secure that reconsideration, and, as they now knew from the Report of the Commission on Fine Arts, great difficulty was experienced in making any proposal upon the principle of selection. His right hon. Friend made up his mind that it was not expedient to proceed upon that principle, and came down to the House with a proposition founded upon that opinion, at which he had deliberately arrived in conjunction with his colleagues upon the Commission. It was not, however, only his hon. Friend who had changed his opinion. The opinion of the House had also undergone some change, because the Report of the Commissioners of Fine Arts was on the table; there was no suppression or concealment about the matter, and the proposal made was a proposal to take money for the erection of four statues out of a chronological series. A very animated speech made by the noble Lord the Member for Leicestershire turned upon the impossibility of acting upon the principle of selection, and although the hon. Member for Galway had not changed his opinion, but stood to his task, he was in the recollection of the Committee that the discussion which took place made the object of the Vote as clear as possible, and it was passed without any call for a division. His hon. Friend the Member for Liskeard had quoted an opinion of his, which was, perhaps, expressed in too strong terms—[Mr. BERNAL OSBORNE: Not at all.]—but, as far as he recollected, that opinion referred only to what appeared to him to be an enormous waste of pains, of money, and of ornament upon the exterior of the Houses, because, with regard to the interior decorations, although they might go to excess in quantity, yet he was boound to say that he did not think that anything more beautiful was to be found in any existing fabric. He entirely agreed with his hon. Friend that the sum charged for the expenses of the Fine Arts Commission ought to be submitted to the House by way of estimate, and undertook that in a future year that course should be adopted. As to Lord Brougham's patent, the Committee was, perhaps, not in full possession of the state of the case. His noble Friend, in advising Her Majesty upon the subject, thought fit to treat this as a patent granted for special services, and it was set forth in the patent that it was granted for Lord Brougham's "eminent public services, more especially in the diffusion of knowledge, the spread of education, and the abolition of slavery and the slave trade." No doubt it was the general rule, that when honours were conferred by the Crown the charges attendant upon the conferring of those honours should be borne by the parties who received them. That was a wise regulation if only for the reason that it tended to limit the range of solicitation for such honours. But there were precedents for the course pursued in the case. In 1846 Sir Henry Hardinge was made Viscount Hardinge, not for military but civil services, and in 1852 Lord Fitzroy Somerset was made Lord Raglan also for civil services, and in both these cases the charges were defrayed by the public. Again, in 1859, Lord Canning received promotion in the peerage for civil services, and Lord Elphinstone in the same year was made an English peer, and in these cases also the charges were borne by the public. But, with respect to the charges, it should be known that a considerable portion of them went back into the Exchequer. The charges on Lord Brougham's patent were, he believed, a little over £512, and of that £440 went back again into the Exchequer, leaving £147 to be paid by the public. In short, in various cases where peerages had been conferred in consideration of civil services, the practice obtained of defraying the expense out of the public purse.

Sir GEORGE BOWYER said, that the principle upon which the Fine Arts Commission was founded, that they could by spending the public money promote the fine arts or create great artists was entirely fallacious. That it was so was proved by the fact that although portrait painting was the branch of art which received most encouragement in England, we had now no portrait painter equal to Sir Joshua Reynolds or Sir Thomas Lawrence, and by the quality of the frescoes which had been painted on the walls of that building. The amount of money which had been paid for them was greater than that received by Michael Angelo or Raffaelle, and yet look what things they were. It was said that they were coming off the walls, and he thought it would be a good thing if they did. With regard to some of them a basin of whitewash and a brush might be very beneficially employed. The selection of subjects for the paintings was singularly injudicious. One of the frescoes, entitled the "Funeral of Charles I.," represented a brutal insult offered by a Roundhead soldier to the remains of that Sovereign. It was extremely offensive to his feelings as a Royalist and cavalier, and could not be agreeable even to a Republican. Again, there was a piece of sculpture in the room behind the throne in the House of Lords, representing the murder of David Rizzio. He was at a loss to conceive on what principle such a subject could have been selected. It was surely most inappropriate for commemoration. Then, as to the artistic part of the question, it was impossible to gather from the paintings in the House of Lords the subjects there pourtrayed; they were perfectly unintelligible. For instance, there was one which was said to represent the "Baptism of King Ethelred," in which a man was to be seen kneeling without any clothes on his body, and with a crown on his head. To all appearance he seemed prepared for a whipping rather than a baptism. The King could not have stripped for the purpose of immersion, for the font was also shown in the picture, and was so small that he could no more get into it than into a tea cup. Before they went on spending money on such paintings they ought to know more about them. He would recommend the Government to put a stop to an expenditure which produced results discreditable to the country, for they gave foreigners a very low idea of the standard of art in England. He hoped the noble Lord at the head of the Government would look to the matter. He placed great reliance on the noble Lord in matters of taste, and was sorry he was not present during the recent debate on the style of the Foreign Office, to show that there was at least one Italian question on which he agreed with the noble Lord.

Mr. AUGUSTUS SMITH said, that a reference to *Hansard* would show that the right hon. Gentleman the Chief Commissioner of Works had distinctly stated that the original intention of having a chronological series of Sovereigns had been abandoned, and that it was intended to have only four statues in the Royal Gallery. In his opinion there was no difficulty in making a selection of Sovereigns to be represented. If the choice lay with him he would name Alfred, Edward I., the greatest of the Plantagenets and the English justinian, Elizabeth, the greatest of the Tudors, and then, coming to the beginning of our constitutional history, William III. He pointed out that the sub-Committee of the Fine Arts Commission had not reconsidered the subject since the decision of the House last year, as their Report was dated June, 1860, while the Vote did not take place till August. He agreed with his hon. Friend as to the Brougham patent, which was a most unusual proceeding. It was a compliment not to Lord Brougham but to William Brougham. That gentleman was appointed a Master in Chancery solely on his brother's account, and when objection was raised on the ground that the office was to have been abolished, people were led to believe that he would not claim his pension. As to the galleries in Hyde Park at the Volunteer Review last year he objected altogether to the presence of either House of Parliament in its collective capacity at such spectacles.

Mr. COLLINS said, that the next heir of Lord Brougham was a nephew, then in Australia. There had never been an instance of a patent in remainder where the next heir had been passed over.

Mr. DANBY SEYMOUR asked whether the Government had abandoned their idea of raising statues of all the Sovereigns of England, and whether they had abandoned the chronological series?

Mr. COWPER said, the House and the Government had been accustomed to leave the selection of statues to the Commissioners of Fine Arts. Last year it was stated to be the intention of the Commissioners to erect the statues of twelve Sovereigns immediately preceding her present Majesty. The four statues voted this year were not a selection of the Commissioners out of the twelve, but were an instalment of the twelve; and the instalment consisted of James I. and Charles I., and William IV. and George IV.

Mr. GREGORY asked when had the House received an intimation of the change in the sentiments of the Government from the determination last year that there should be four statues, one in each corner of the Royal Gallery?

Lord JOHN MANNERS said, it was clear that if the speech to which reference had been made had been uttered by the right hon. Gentleman the First Commissioner of Works, he could only have been expressing his individual opinion; and he could have had no communication with his colleagues on the Fine Art Commission.

Mr. COWPER said, there had been an estimate last year for a chronological series of forty-two Sovereigns, but it had been afterwards resolved, in deference to what was believed to be the opinion of the House, that an estimate for four only should be asked for, and nothing had been said which would convey that four would be the entire number. He had done nothing to mislead the House. Last year he contemplated a selection; this year he did not; and he had a right to change his mind as he had done after deliberation, and after consultation with the Fine Art Commissioners.

Sir MORTON PETO said, he wished for some explanation of an item in the Vote of £7,000 to be paid to Pepple King of Bonny.

Mr. PEEL said, that a person named "Pepple, ex-King of Bonny," set up a claim, arising out of certain proceedings of the British Government in regard to the slave trade. It appeared that the King was deposed by his subjects, but was taken under the protection of the British Consul, to whom the King's subjects were to pay a certain annual sum. The Consul, it seemed, sent the King to the Island of Ascension to keep him out of the way. There he remained for some years, and then came to this country, when he made large claims against the British Government. The matter was referred to arbitration, when "Pepple" set up a claim of £200,000. The Government then put a stop to the arbitration, but referred the matter to the Judge Advocate and the Attorney General, who recommended that £7,673 should be given to him as compensation for the annuity of which he had been deprived.

Mr. WYLD inquired what progress had been made in the labours of the British and French Newfoundland Fishery Commission?

Mr. PEEL thought that a Gentleman representing Newfoundland had been on the Commission, which, he believed, was now closed.

Mr. DILLWYN said, he noticed with surprise a sum put down in connection with Her Majesty's licence to the Convocation of the clergy of the province of Canterbury to alter the 29th Canon, relating to godfathers and godmothers. He wanted to know whether Convocation could alter a canon without the sanction of Parliament?

Sir GEORGE LEWIS said, that Convocation had deliberated on the subject, but no decision had been come to, and as the Convocation had no funds it was thought proper that this expense, having reference to a matter of a public nature, should be paid out of the Civil Contingencies. Some canons, made by Convocation with consent of Parliament, could only be altered with the consent of Parliament; but others, made by Convocation with consent of the Crown, could be altered by the same authority as made them.

Lord HENRY LENNOX said, he wished to know upon what question the hon. Member (Mr. Bernal Osborne) intended to go to a division?

The CHAIRMAN said, the Amendment was that the Vote be reduced by £2,000.

Amendment, by leave, *withdrawn*.

Original Question again proposed.

Mr. BERNAL OSBORNE said, he would propose his Amendment in another form. He should take the opinion of the Committee on the item of the expenses of Lord Brougham's patent, because he thought it was a mischievous principle to lay down that a Minister should himself make such a charge on the public. If he had come to the House first, and asked for their sanction, he (Mr. Bernal Osborne) would not have offered one word of objection. He also proposed to take the opinion of the Committee on the item for the Fine Arts Commission, especially after the explanation that had been given about the four Sovereigns, to which number he regretted that Pepple, King of Bonny, had not been added. He should move the reduction of the Vote by the latter item first, his object being to get rid of the Fine Arts Commission.

Motion and made, Question proposed,

"That a sum, not exceeding £24,050, be granted to Her Majesty, to complete the sum necessary to defray the Charge of Civil Contingencies, to the 31st day of March, 1862."

VISCOUNT PALMERSTON said, the item which his hon. and gallant Friend wished to have disallowed in the case of Lord Brougham's patent had already been expended, and consequently no reduction of the sum which the House was asked to vote for the Civil Contingencies for the next year would have any effect upon the amount expended under that head last year. That being so, and the item for the Fine Arts Commission appearing, as had been already stated by his right hon. Friend the Chancellor of the Exchequer, in the shape of an Estimate, the proposed Amendment had, he contended, no application to the object sought to be attained.

MR. COLLINS suggested that the hon. and gallant Member for Liskeard should lump together the two items to which he was opposed, and take a division upon both at the same time.

MR. BERNAL OSBORNE expressed his readiness to withdraw his Amendment if the hon. Member would make a Motion in accordance with his own suggestion.

MR. AYRTON observed that it was not necessary the Amendment should be withdrawn in order that an hon. Member might move a larger reduction of the Vote. If such a Motion were made, it would be competent for the Chairman to put it at once.

THE CHAIRMAN said, the remark of the hon. Member would be correct if the question with reference to the smaller amount had not been actually put.

Amendment, by leave, *withdrawn.*

Original Question again proposed.

MR. COLLINS said, he would then move that the Vote be reduced by two items—namely, £944 4*s.* 8*d.* for the expenses of the Fine Arts Commission, and £512 16*s.* for Lord Brougham's patent, being in the whole £1,456.

VISCOUNT PALMERSTON then took occasion to say that Lord Brougham had expressed a strong desire—a desire natural and honourable to him, that the title which had been conferred upon him as the result of his professional career should be continued after his death. Having taken into account the long-continued services of the noble Lord, he had felt no hesitation in advising Her Majesty to comply with the request, while the wish that the title should descend to his surviving brother seemed to be also a question which ought to be determined by the feelings of the person who made the application. Then arose the question of the fees to be paid, and he could not help being of opinion that when it was known that the new patent gave Lord Brougham no additional rank, and merely created an alteration of the remainder, the noble Lord ought not to be called upon to incur the necessary expenses for the purpose. Lord Brougham had, by the decree of Providence, no immediate descendant of his own, and the ground on which his application in favour of his brother had been acceded to was that he himself had in the course of a long life rendered, quite independently of political considerations, great and eminent services to his country, and that by assisting in the promotion of knowledge, by greatly contributing to the diffusion of education, and by the zealous and able manner in which he had advocated the freedom of the slave and the abolition of the slave trade, he had rendered conspicuous services not only to his country, but, it might be said, to the human race itself. That being so, it had appeared to him, and to his right hon. Friend the Chancellor of the Exchequer, that the expenses of the patent in question should be defrayed by the public, and he could scarcely bring himself to think that the House of Commons, when it bore in mind the eminent career of Lord Brougham, the high position which he occupied, not simply in the estimation of his own fellow-countrymen, but in the eyes of Europe—in short, the world wide reputation which he enjoyed, would allow any remnant of party feeling to interfere with the giving its sanction to a Vote the rejection of which could not be otherwise than painful to the noble Lord whose name was connected with it.

COLONEL DICKSON said, he was astonished the noble Lord should insinuate that there was any objection to granting the sum in question on party grounds. He as well as the noble Lord was alive to the eminent services of Lord Brougham, but he could not, therefore, see why he should not oppose the grant of money for the making out of a patent of peerage for a gentleman who, through no merit of his own, was appointed to succeed to the noble and learned Lord in an indirect line of succession.

Mr. MOWBRAY said, he also thought the noble Lord had been somewhat rash in the insinuation which he had thrown out, when it was taken into account that the proposal to strike out the item in question had come originally from his own side of the House. For his own part, he could not see why a grant of public money should be made in the instance under discussion which was not even asked for in the case of men who had rendered such distinguished services as Lord Eversley or Lord John Russell.

Sir GEORGE LEWIS said, the remainder-man would no doubt enjoy the benefit of the peerage in question, but then it should be recollected that it was granted not so much to him as to the living Peer. He wished it to be clearly understood that under no circumstances could the fees of this patent have been payable by Lord Brougham's brother. They would have been payable by himself.

Motion made, and Question put,

"That a sum, not exceeding £23,544, be granted to Her Majesty, to complete the sum necessary to defray the Charge of Civil Contingencies, to the 31st day of March, 1862."

The Committee *divided:*—Ayes 50; Noes 76: Majority 26.

Original Question again proposed.

Mr. CAVENDISH BENTINCK said, he would move the reduction of the Vote by £512 3*s.*

Mr. LAYARD said, the proposal was a testimony to the great services rendered by Lord Brougham, and was a honour conferred on him by perpetuating his name and title. The name of Lord Brougham was known throughout the whole civilized world, and it would be a disgrace to the Committee to refuse to pay the fees. Hon. Gentlemen disclaimed all party feeling, but when the name of Lord Brougham was first mentioned, that feeling was indicated by a party cheer.

Mr. BUXTON said, the peerage was given to Lord Brougham as Lord Chancellor.

Mr. W. WILLIAMS observed that Lord Brougham received £10,000 a year during the period he was Lord Chancellor, and during the twenty-seven years which had since elapsed he had received a pension of £5,000 a year.

Captain JERVIS said, it was all very well for the hon. Member for Southwark to make statements on hustings which could not be contradicted, but he had made a very untrue statement to the Committee. The cheer came from Gentlemen behind him.

Mr. LAYARD rose to order.

The CHAIRMAN said, the hon. Gentleman must perceive that the use of the words "untrue statement" conveyed a charge against the hon. Member.

Captain JERVIS said, he would at once withdraw the words. What he wished to say was, that the cheer proceeded from behind the hon. Member for Southwark.

Motion made, and Question put,

"That a sum, not exceeding £24,488, be granted to Her Majesty, to complete the sum necessary to defray the Charge of Civil Contingencies, to the 31st day of March, 1862."

The Committee *divided:*—Ayes 48; Noes 62: Majority 14.

Original Question again proposed,

Colonel DUNNE said, he would ask for information as to certain sums in the Estimate for preparation of Irish Bills, though he did not expect to have any information on the point, seeing that there was neither Secretary for Ireland, Attorney General, nor Solicitor General for Ireland, nor, in fact, any person who knew anything about Ireland, on the Treasury bench.

Mr. PEEL said, that it was impossible for the gentleman who was employed at the Home Office to draught all the Bills which were introduced during the Session, and it was, therefore, necessary occasionally to employ others.

Colonel DUNNE said, he should move that the item be reduced by £100, being the sum stated to be paid for the draughting of the Irish Tramways Bill, which was so badly drawn that it was impossible it could be passed by the House.

Motion made, and Question proposed,

"That a sum, not exceeding £24,900, be granted to Her Majesty, to complete the sum necessary to defray the Charge of Civil Contingencies, to the 31st day of March, 1862."

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

House *resumed.*

Resolution to be reported *To-morrow.*

Committee to sit again *To-morrow* at Twelve of the clock.

Notice taken that 40 Members were not present, — Committee counted, and 40 Members not being present:

Mr. SPEAKER resumed the Chair:—House counted, and 40 Members not being present:

House adjourned at half-past Two o'clock.

HOUSE OF LORDS,

Friday, July 26, 1861.

MINUTES.] PUBLIC BILLS.—1ª Courts of the Church of Scotland; Indemnity.

2ª Turnpike Acts Continuance; Ordnance Survey Continuance.

3ª Vaccination; Annoyance Jurors (Westminster); Voters (Ireland); University Elections; Dublin Revising Barristers; Lunatic Asylums (Ireland) Act Continuance; County Cess (Ireland) Act Continuance; Tramways (Scotland); Local Government Act Amendment.

STATE OF PUBLIC BUSINESS.

OBSERVATIONS.

THE EARL OF DERBY: My Lords, notwithstanding the important business which stands for consideration this evening, I hope that I shall not be thought unduly to occupy your Lordships' attention if for a few moments I invite your attention to the present state of public business, and ask the noble Earl the President of the Council to give some explanation as to the course which the Government intend to pursue with regard to those measures which are waiting for what must at this period of the Session be called by courtesy your Lordships' consideration. I have examined the Journals and Proceedings of the House of Commons, and I find that the state of business in that House has been and is as follows:—At Whitsuntide there had been introduced into the House of Commons 68 Bills, and since then 80 more have been brought in, making a total of 148 Bills proposed for progress this Session. Of these 76 have been passed by the House of Commons, including those subsequently rejected by this House, five have been rejected by the House of Commons, and 23 have been withdrawn. There remain now in the House of Commons 44 Bills, of which a considerable number have still to come up to your Lordships' House. Besides these, there are now in this House 30 Bills in progress, and 18 for which no day has been named, making a total of 48 Bills now before your Lordships' House; and there are 44 more yet before the House of Commons, on which your Lordships may have to give your decision. Even if the Session was to last for the three weeks with which we were threatened the other evening by the noble Duke, I think that your Lordships will agree with me that there would be but scant opportunity for discussing the vast mass of Bills, 92 in number, to which I have referred. I have not in this calculation taken any notice of the various Bills which have been sent from either House to the other with Amendments requiring consideration, and one of which will, I apprehend, occupy a very considerable portion of your Lordships' time this evening. Among the Bills in progress, and more especially among those for proceeding with which no day has been named, there are some of very great importance. For example, there are seven Bills which I wonder that the Government have not taken an earlier opportunity of bringing under your consideration—the Bills for the consolidation of the Criminal Law. Those Bills were passed through this House at a very early period last year, and were sent to the House of Commons. For some reason that House never took the slightest notice of them, and they were not passed. This year the House of Commons has got the initiative, and a considerable time ago all the seven Bills were passed and sent to this House. They have been for some time upon your Lordships' table, but as yet no noble Lord has given notice of his intention to bring them forward. These are Bills which have already passed your Lordships' House, and cannot lead to much controversy. Indeed, I believe it is the general opinion that they should be taken on trust, because it would obviously be impossible to go through all the details. On the other hand, there are some Bills which do not at first sight appear to be so important, but which yet involve very serious questions. For example, in your Lordships' House there is a Bill with regard to the building of courts of justice, which was read a second time *pro formâ*, on the distinct understanding that it was to wait the arrival of another Bill still under the consideration of the House of Commons, the object of which is to provide the money for the erection of these courts. Upon inquiry the calculations upon which the financial portions of that Bill are founded have been discovered to be exceedingly erroneous, and it has been ascertained that if the schemes is carried out it will not only absorb the whole of the suitors' fund, as to our right to avail ourselves of which there is considerable doubt, but will also involve an expenditure on the part of the country of something like a million of money. In the course of yesterday evening notice was given in the House of Commons that the progress of that Bill would be resisted whenever it was brought forward, yet between two and three o'clock this morning the Bill was read a second time without a word being said, and a few minutes afterwards the House was counted out. If a Bill of this importance is to pass the other House on the 26th of July, between two and three o'clock in the morning, in the face of a threatened opposition, and if the Chief Commissioner of Works still clings to the hope of passing the Bill this Session, I must protest against that mode of getting a measure forward, and express a hope that the noble Earl (Earl Granville) will, on the part of the Government, take care that this Bill does not pass at a period when the attendance in both Houses is exceedingly thin, and after this evening is likely to be thinner. There is another Bill, of his intention to bring forward which on Monday next the Postmaster General has given notice, and which, although apparently of little consequence, is really a very important Bill. It professes to settle the rank and social *status* of the mayors of boroughs, and nothing can be more unobjectionable, though hardly anything can be more unimportant, than a measure of that kind; but under the plea of settling the *status* of mayors clauses are introduced which give power to the Secretary of State, on the application of any fifty individuals, absolutely and arbitrarily to alter the arrangement of wards in any borough, and to vary the number of the representatives of each; in point of fact, to completely alter an Act which was passed for the regulation of these matters only two years ago. I have no objection to settle the *status* of mayors, but I hope that the Government will not press so important an alteration as this. My reason for calling attention to this subject is that I am sure that this House suffers in public estimation very unjustly from the manner in which Bills are at this period of the Session hurried through it. Last night we had twenty-six Bills to dispose of; to-day there are wenty-three on the paper; and no one can think the manner in which some of them are disposed of—and I allude more particularly to the Committee on the Irremovable Poor Bill, a measure of very great importance — is at all creditable to this House. There is another danger to which we are exposed at this period of the Session. Bills are brought in which are called Continuance Bills, but in them are frequently introduced material alterations of the law, which pass both Houses without attention being paid to them. Last year about this time we were called upon, on the ground of urgency, to pass a Bill called the Gunpowder Bill, which was represented to be of great importance as providing for the secure storage of gunpowder. It was objected that it was a Bill which might have been brought forward at a much earlier period; but on the representation of the noble Earl opposite, your Lordships passed it in the month of August. I perceive that within the last few days a Bill has been introduced into the House of Commons for the purpose of amending that Bill, and it will be sent up to this House at about the same period of the year at which the original Bill arrived. Yet the errors of the original Bill must have been discovered long ago, and this amending measure might have been brought in much earlier in the Session. If I rightly understand the proceedings of the House of Commons the Secretary of State for India last night moved certain Resolutions, which are to be reported to-day, and upon which a Bill is to be founded authorizing the Indian Government to borrow £5,000,000 more money. That Bill has not yet been even introduced in the other House, and I leave your Lordships to judge when it is likely that it will reach this House. I wish to ask the noble Earl whether he is prepared to act in the spirit of the Resolution which my noble Friend, the Chairman of Committees, usually proposes, and whether the Government are prepared to give a pledge that during the short remainder of the Session Bills against which considerable objections are entertained, and Bills which are not of paramount and urgent importance, shall not be pressed on the attention of the House, which will probably consist of a very limited number of Peers? I wish further to ask the noble Earl whether he will communicate with his colleagues in reference to the business which stands on the books of the other House, so that he may be able to state what portion of the business before either of the Houses of

Parliament it is the intention of the Government to proceed with, and that your Lordships may be able to ascertain what amount of business is likely to be carried on during the period when your Lordships can be in attendance? I do not think I am unreasonable in calling attention to the fact, that something like ninety Bills still remain to come before us at the end of July—but a week or ten days from the end of the Session; and in expressing my belief that the time has come when Her Majesty's Government may advantageously exercise a discretion in selecting those Bills which they deem most important to carry.

Earl GRANVILLE: My Lords, in answering the question of the noble Earl, I must give in some degree the same sort of unsatisfactory reply to similar questions, as far as I remember, ever since I sat in this House, and which I have been informed by the Marquess of Lansdowne and Lord Aberdeen was uniformly given during the whole of their experience. But I would ask your Lordships not to allow yourselves to be carried away by a mere enumeration of a number of Bills; because it is very evident that many of them are of no importance, being mere continuance Bills and the like; and, therefore, at whatever period of the Session they may be brought in, they do not require any great deliberation. The noble Earl alluded to several measures for effecting the consolidation of the law. There were particular circumstances connected with the Attorney Generalship which prevented those Bills from being brought forward as early as they would otherwise have been; but most of them having been under the consideration of this House last year, a great deal must, and I think may fairly, be taken upon trust. The particular day, therefore, on which they may be taken into consideration is immaterial. With regard to a most important and, I think, most useful Bill, which was considered in Committee last night—I mean that relating to the Irremovable Poor—I really do not know how Her Majesty's Government are to blame with regard to it. We think it an excellent Bill; we approve all its clauses. Five minutes before it came on in Committee there were nearly 100 Peers present. The noble Earl voted against the Bill without giving the slightest reason for his vote, and it was quite open for him or any other noble Lord to have questioned every one of the clauses and to have divided the House if he thought it desirable to do so. It was not for us to get up and raise objections to a Bill of which we approve; but I am quite sure that my noble Friend the Under Secretary, who had charge of the measure, would have been ready to reply to any questions or objections which the noble Earl or any one on the other side of the House might have thought proper to originate. The noble Earl has mentioned another Bill, of which I know nothing, with regard to giving precedence to mayors; but if the proper authorities have consented to the measure, I cannot see any objection to such a Bill. The noble Earl has mentioned one clause which, *primâ facie*, deserves consideration; the Bill is at present fixed for Monday next, when, if it comes forward, and the noble Earl should urge satisfactory reasons, the House, no doubt, will not refuse to be guided by them. I really do not think it is too much to expect that Peers who are interested in particular Bills should be present when they come forward, and I am sure the majority of the Peers present could, if they wished, make it convenient to stay in town for the very limited interval during which the Session will continue. I will certainly make inquiry as to what Bills Her Majesty's Government may think it desirable to abandon as not being likely to pass this Session.

Lord REDESDALE protested against the conclusion at which the noble Earl (Earl Granville) had arrived with regard to the Irremovable Poor Bill. He had no objection to raise against the measure, but with regard to the manner in which it had been pressed he did not think the House had been fairly treated. It was read a second time on Tuesday, and the Committee was fixed for Thursday. On Thursday evening he left a letter at the noble Earl's house intimating his intention of proposing Amendments in Committee, and of asking the noble Earl on that account to postpone the Bill. He did make the request, and was at once refused. He did not anticipate that any high value would be placed upon his suggestions, but it was, nevertheless, the fact that he bestowed more attention upon the business of the House than almost any other Peer, and having been for twenty-five years chairman of a board of guardians, he naturally knew something of the subject. He gave reasons for the Amendments which he wished to propose, and stated some strong facts connected with the rates upon different kinds of property; but the noble Lord who had charge of the Bill did not condescend to give a single reply to his arguments or the slightest explanation of a satisfactory character. The Government had a majority in the House and forced on the measure. It was true that he might have compelled a division to be taken, but it was never his wish to adopt a vexatious proceeding or a course which was not likely to have any useful result. The responsibility of what had been done, therefore, rested upon the Government, and he was bound to say that if the legislation of their Lordships' House was to be either beneficial to the country or creditable to Parliament, the Government ought to abstain from throwing difficulties in the way of those who were disposed to take part in that legislation. He certainly did not think it desirable that any measures except those of importance should be read a second time after that evening; being within ten days of the close of the Session, the effect of introducing Amendments into any Bill would be either to defeat it altogether or to send it down to the Commons, where, in its altered shape, no consideration could be given to it. Had the Resotion which he usually proposed been adopted, it would have been impossible for Bills to be brought before them in such numbers at so late a period of the Session. At the particular request of the noble Earl opposite he had abstained from moving that Resolution this year, a Committee of the House of Commons, from whose deliberations some good result was hoped, being at the time in investigating the subject. But, on the contrary, the business of that House was more behind now than it had ever been.

Earl GRANVILLE said, it was true the noble Lord had written to him on the subject of the Irremovable Poor Bill, but the letter did not reach him till some hours afterwards. But even if he had deliberated an entire day upon his request he did not see that he could come to any other conclusion. The noble Lord himself had originally fixed the Committee for Thursday, and his Amendments were directed not to the improvement of the machinery of the Bill but tended to subvert the principle, which had already been affirmed.

The Earl of HARDWICKE said, it was unjust to ask Members of their Lordships' House, which had been sitting from February, to debar themselves of that relaxation which the public generally were preparing to enjoy. Members of the Government, who were paid high salaries and obliged to stop in town, might find no difficulty in coming down to the House, and disposing very pleasantly of the business; but their Lordships, generally, had reason to complain of the alternative forced upon them, which was either to remain in town at considerable inconvenience, or, in the public sight, to incur the odium of neglecting their duties.

The Duke of NEWCASTLE said, noble Lords opposite were not justified in speaking as if the present was the only Government which was to blame for slackness in bringing business before the House. During the Government of the noble Earl opposite an important and cumbrous measure of some 200 clauses—the Local Government Bill—was carried through their Lordships' House within a few days of the close of the Session. On that Bill a series of Amendments were proposed, and he warned the noble Earl at the time that the subject was one which demanded careful consideration, and that the measure contained provisions which, if passed as they stood, would require amendment in future years. The noble Earl, however, said that great pains had been taken with the Bill in the other House, and that it was deemed of importance that it should not be delayed. He therefore withdrew his opposition; but his prediction had been fulfilled, for they had been amending the Bill from time to time up to the present moment, when another measure was before them to amend the clauses which were passed, contrary to his advice, in such hot haste. As to the Irremovable Poor Bill, it was introduced in February last, and was deferred in order that it might be referred to the boards of guardians throughout the country. The result of that reference had been about seventy answers in favour of the Bill and only some half-dozen against it. The Bill had been most carefully considered; the principles upon which it was based were simple and well understood by those who had studied the subject, and it consisted of only nine or ten clauses. It was perfectly obvious that the object of noble Lords opposite in urging the postponement of the Bill was simply to renew, in an indirect way, the attempt which they made directly, and in which they were defeated on the second reading, to throw out the Bill. He did not think that that was treating the Bill fairly. On the previous evening, when he had an

Amendment to propose in the Universities Elections Bill, the noble Earl opposite deprecated it on the ground that the return of the measure to the Commons at that period of the Session would jeopardize its passing. But the alterations which were proposed to be made in the Irremovable Poor Bill would not merely endanger it, but would insure its defeat. He thought, therefore, that, under these circumstances, his noble Friend the President of the Council had no alternative but to refuse to postpone the Bill.

THE DUKE OF BUCCLEUCH observed that, since he had sat in the House, he had repeatedly heard complaints of the pressure of business at the close of the Session. He regretted to say, however, that the evil, instead of diminishing, was constantly increasing. It was no excuse for the present accumulation of arrears that matters were worse in a former Session. There were a number of important Bills affecting Scotland which their Lordships had not yet had an opportunity of considering, and which he thought it would be unjust and unreasonable to proceed with at that period of the Session.

LORD PORTMAN said, in his opinion the chief cause of the delay in public business was the increase of the talking powers of the other House. As long as the House of Commons chose to spend several months every year in mere debating, instead of in doing work, their Lordships must expect to have to sit perhaps through the whole of August in order to carry on the business of the country. However disagreeable it might be, he thought they were bound to sit on, and that they ought not for any pleasure of their own to go away till they had accomplished their task. He hoped their Lordships would teach the other House how real work might be done without unnecessary talking.

THE NEW ZEALAND DIFFICULTY.

LORD LYVEDEN rose to ask the Secretary of State for the Colonies whether he could state to the House what Instructions he had given to Sir George Grey respecting the settlement of the tribal rights of the Natives and the payment of the expenses of the war by the colony of New Zealand. On a former occasion a noble Friend of his (Earl Grey) had expressed an opinion that the only solution of the New Zealand question was the recall of the Governor and the suspension of the constitution. The noble Duke, the Secretary for the Colonies, had, however, anticipated the former step, while he very wisely declined to adopt the extreme measure of suspending the constitution for which there was not the slightest pretence. The recall of the Governor whenever anything went wrong in the colony was a somewhat inconvenient practice. It was quite true, however, that Governor Browne's term of service was nearly expired, so that he could not so much complain of the injustice, but it should be borne in mind that Sir George Grey would not return to the colony under the same favourable circumstances as when he quitted it. He left it in a period of prosperity, and would return to it at a time of convulsion and misfortune. He left it with great popularity; but his return at the present crisis would be apt to be misconstrued by, and to excite the suspicion of, both Natives and colonists; by the Natives who would consider it a triumph, by the colonists who might couple it with Earl Grey's proposition, and look upon it as a defeat. They heard again of war breaking out; but whether there was war or peace, some definite arrangement ought to be made with the colonists and the Natives upon two great questions — namely, the tribal rights of the Natives and the expense of military operations. All the convulsions in New Zealand had turned upon the question of tribal rights, and he did not think it was as difficult as was imagined for the noble Duke to define the tribal and individual rights of the Natives, which should be respected in the sale and purchase of lands; but whether the noble Duke could do so or not, it would be far better to acknowledge altogether the tribal rights of the Natives than to have these perpetual convulsions upon a question of so difficult and delicate a nature. The other and more important question was the defence of the colonies, and that was a question which must be considered everywhere. Responsible government having been laid down as the doctrine upon which the colonies were to be governed, they must abide by it in the small colonies, because they must abide by it in the large colonies, and they must abide by it in the large colonies because they would lose them if they did not. It was important, however, to know whether, responsible government being the rule, the mother country was to pay for the defence of the colonies. We were fortifying our own coast, and the people were preparing for what he trusted would prove an imaginary invasion. It was said that the spirit of modern warfare was to strike at the heart of the empire; but might not the limbs be attacked? And if they were attacked some definite rule should be laid down upon which they might claim assistance. If such a rule was necessary with regard to foreign invasion, it was much more necessary with regard to internal convulsions. In Australia the Anglo-Saxon race had swept away the Native tribes; but in New Zealand the Natives were active and ambitious, and quite capable of offering strong resistance to what they conceived to be injustice. The settlers who went out were men who looked to acquire land for profitable investment, and to remunerate them for exile and sacrifices. The only property of the Natives was the land, and their pride in its possession equal to the oldest feudal feelings elsewhere led to collisions with the settlers. As long as the mother country paid there would be no peace. According to the Report of the Colonial Military Expenses Committee the cost of New Zealand was £104,862. Next year the cost would be double, and it would be treble and quadruple unless the mother country came to the resolution that the colonists should defend themselves. The line beyond which no assistance would be given must be laid down, and it was only owing to the unwillingness of the Ministry to face the difficulty that it had not been laid down before. He thought it important before Parliament separated to call attention to the subject, and he hoped the noble Duke would state in reply whether any rule had been laid down as to the tribal rights, and whether Sir George Grey had been instructed that beyond a certain amount the Home Government would not be responsible for the cost of suppressing internal commotions in the colony. In what he had said he did not wish to disparage Sir George Grey, for whom he felt great admiration. Sir George Grey was originally appointed when he (Lord Lyveden) was Under Secretary of State for the Colonies with Lord John Russell in 1841, solely upon his merits, in consequence of an able book which he had written on Australia He had been promoted by each successive Secretary for the Colonies, and he had received the approbation of every Minister under whom he had served. He believed that unless such instructions as he had indicated had been given to Sir George Grey, they would be hearing constantly of commotions in a colony which should of all others be happy and prosperous.

THE DUKE OF NEWCASTLE said, Sir George Grey would not assume the Government until the full period of his predecessor's service had expired; although it was quite true that his appointment had anticipated that event by a few months, He (the Duke of Newcastle) thought that the consequences of sending Sir George Grey to New Zealand would not be what the noble Lord anticipated. He did not believe that it could have the effect on the Native population which the noble Lord seemed to dread, and he was quite convinced it would not have the effect on the European settlers which the noble Lord seemed to expect. Why should the Natives apprehend that Sir George Grey was about to reverse the policy of his predecessor, when the Government which appointed Sir George Grey had expressed their opinion in favour of the government of Colonel Browne? And why should the English settlers dread that their interests would be neglected when they had nothing to complain of Sir George Grey's former government in that respect? Sir George Grey was sent out as the most likely man to restore confidence to the settlers and to the Natives, and to adopt such a policy as would prevent the recurrence of war. His noble Friend wished to know what instructions were given to Sir George Grey in reference to the tribal rights of the Natives, and thought it easy for a Secretary of State sitting in Downing Street to lay down distinct rules as to those rights, so as to guide the Governor in the exercise of his duties. He could only say that, whatever facilities the noble Lord might feel for such an operation, he could not profess to have them. When he saw men in the colony of such legal eminence and experience as Sir William Martin and Chief Justice Arney, differing *in toto* upon that question, he felt that he should be acting most unwisely, and doing anything but furthering the policy of the Government, if he endeavoured to settle difficult questions of law in England. These matters must be left to the judgment of men upon the spot, and all that the Colonial Secretary could do was to select the best instruments in his power for the purpose. These tribal rights were not the same in all parts of New Zealand, and the Natives themselves did not agree as to their extent. When, therefore, the noble Lord said it would be better to concede the whole, he forgot that by concession to one party they would be depriving another of privileges and advantages which they possessed. The whole question of tribal rights was most delicate, intricate, and difficult, and it should be recollected that Sir George Grey expressed an opinion, expressed by others before him, that it was most desirable some tribunal should be constituted on the spot which should decide upon them. He had stated before, and he repeated now, that the great obstacle to the constitution of such a tribunal had always been the indisposition of the Natives to submit their claims to such an arbitrement. There was a greater tendency now, perhaps, among the Natives to accept such a tribunal; but, at the same time, it was doubtful whether the Natives would greatly benefit by such an arrangement, because the power of the Crown, reserved by the Constitution, had always been exercised in their favour, and a tribunal bound to give its decisions according to dry law could not make that convenient concession to the prejudice of the Crown which the Crown itself had been in the habit of doing. However, he read in the last despatches of Colonel Gore Browne, that, in anticipation of a greater readiness on the part of the Natives, he had consulted the Judges of the colony, in order to see if some plan could not be devised for the establishment of such a tribunal. The noble Lord asked what instructions had been given to Sir George Grey. He (the Duke of Newcastle) had sent instructions to him on the 5th of June, and again on the 26th of the same month on these questions, but more especially bearing on the Native Council Bill, which had been passed by the local Legislature, and had not received the sanction of the Crown. His noble Friend would see that in the peculiar position in which Sir George Grey was placed it was most desirable that he should not give full details of those instructions. When Sir George Grey was appointed on the 5th of June he was at the Cape of Good Hope. He received instructions to proceed to New Zealand with the greatest possible despatch, and would, no doubt, leave the Cape and proceed to New Zealand as quickly as possible. If he were now to state what were the instructions which he had sent out to Sir George Grey, the report of this statement would reach New Zealand before Sir George Grey, and that would obviously be placing him in a very unfair position. At the same time, he did not disguise the fact that, though he had given Sir George Grey general instructions, he had not given him any specific instructions. He had expressed opinions, but subject entirely to Sir George Grey's discretion in the application of them. In appointing a man like Sir George Grey it was not fair to him to hamper him with definite instructions, seeing that the circumstances under which they were given might have changed entirely before the time came to put them into action. He had, therefore, left a larger discretion to Sir George Grey than he should have left to any other Governor under different circumstances. As to the expenses of the war, he had stated previous to the breaking out of the war that he had come to an arrangement with the Legislature that the colony of New Zealand should pay £5 per head for every soldier retained by the Imperial Government in the colony, and that the colony should also pay the expenses of the Militia and Volunteer force. The Colonial Government had also borrowed money from the commissariat chest without any arrangement for repayment, and he had told the Governor that all payment for the local forces must be defrayed by the colony itself, and if money were advanced for the war, it must be under a guarantee that it would be repaid. He had received a despatch from the colony, stating that that arrangement had been agreed to. He could not disguise from the House his belief that the expenses of a war conducted as this had been must be paid in a large proportion by the mother country; but he had every reason to believe that the expenses of this war would be borne in a larger proportion by the colony than had been the case in any previous war of the kind. He could not agree with his noble Friend that it would be possible for the Secretary of State to lay down some definite rule as to the proportion of military expenditure which should be borne by the colonies in time of peace. The circumstances of the colonies differed very much, some required a larger military expenditure, others a smaller; some were rich, and others comparatively poor, and there was this further difficulty, that having given self-government to most of our colonies, the arrangements would have to be made in conjunction with the Legislatures. The only way in which any definite rule could be laid down would be by saying to a colony, "You must either pay for these troops or we will withdraw them," and he had not made up his mind that such a course would be prudent or advisable with regard to our great colonies. He had not seen the Report of the Committee of the House of Commons, but, considering the difficulty of laying down any definite rule, he was not surprised to hear that they had left the matter very much where they had found it. He did not mean to say that considerable reductions might not be made in our colonial military expenditure, but if our colonial empire was worth preserving we must not act rashly, nor without full consideration of the local circumstances of each colony.

BANKRUPTCY AND INSOLVENCY BILL.

COMMONS' REASONS CONSIDERED.

Commons' Reasons for disagreeing to certain of the Amendments made by the Lords *considered* (according to Order).

THE LORD CHANCELLOR: I rise, my Lords, in the hope I shall be able to show good reasons why your Lordships should concur in the course the House of Commons has adopted with regard to the Bankruptcy and Insolvency Bill. Your Lordships are aware that the House of Commons has attached great value to this measure; and, with some few and inconsiderable exceptions, it has disagreed to the alterations made in it by this House. Your Lordships made very great and extensive changes in this measure, and I have no doubt that powerful reasons can be given in support of those alterations. But I deeply regret that we are not aware of those reasons. In the House of Commons this measure was debated in the face of the public, that watched the course of the debate from day to day; it took great interest in the proceedings of the Committee, and those who took part in the argument received from time to time from the public out of doors very valuable suggestions with regard to the alterations made; the House of Commons sent this Bill up to your Lordships as the fruit of that full discussion. And I regret deeply, though I do not presume to censure, the course your Lordships thought proper to take with regard to it. You took this Bill upstairs into a Select Committee, and for reasons we know not you altered almost entirely its character and effect. I repeat again, I know not why or wherefore these alterations were made; and the course your Lordships adopted has excited surprise as well as regret, because in the House of Commons the support given to the Bill was almost unanimous. From the Gentlemen who sit on what is called the Opposition side of the House I received the most generous and sincere support. In fact, if I wanted to carry any portion of the Bill that had excited discussion I was almost sure to receive the support of those Gentlemen who generally act with the noble Earl who may be called the head of Her Majesty's Opposition. But I was very much surprised by the difference between the opinions of those Members of the House of Commons and those who lead the Opposition in this House. And, it will be admitted, there was reason for this surprise, because I never heard that great party charged with want of unity in its course of action. How was it that the Bill received the cordial support of the Conservatives in the House of Commons, and rejection and condemnation from the Conservatives in the House of Lords? When it was sent down again to the House of Commons it was most desirable that the course to be adopted should be one altogether free from party influence. The alterations were debated on their own merits, and the result has been that upon the first series of Amendments—those relating to the constitution of the Court—a large majority uninfluenced by party motives has altogether departed from the views taken by this House. In reconsidering the question, I will venture to hope that your Lordships will bring to the discussion minds uninfluenced by anything but a wish to secure a proper administration of justice. I should be sorry if a question so great and so important as the administration of justice should be influenced by political feelings. If your Lordships believe that the administration of justice does not require this measure, you ought to reject it; but if you determine to reject it merely because you are bidden to do so; if you are gathered together at a season of the year when it is not usual to see so large a number of Peers on the Opposition benches to pronounce judgment on a measure that has never been debated in this House, then I should come to the conclusion that your Lordships have decided on other grounds than regard for the administration of justice. My Lords, I have observed with some pain the altered tone and language of some Members of the House of Commons with regard to this measure—of some who formerly acted with me with the utmost cordiality. I have found with pain that some of those who agreed with me have been obliged to adopt language which, while it shows there is no alteration in their real opinions, proves that something has led them to abandon the sentiments they previously professed. Let me give an example. I was encouraged by the support of such men as the Members for the University of Cambridge, and the Solicitor General to the late Government. ["Oh, oh!"] Surely, my Lords, there is no impropriety in speaking of what has taken place in the discussions on this subject. Those right hon. Gentlemen admitted the absolute necessity of this measure. And let me also remind your Lordships that I was indebted for the idea of appointing a Chief Judge of the Court to the Attorney General of the late Government. The Chief Judgeship is an idea not of the present Government, but of the past. It was the law officers of the Administration of the noble Earl who first introduced this as a necessary measure, though I am afraid the noble Earl is likely to be insensible to the paternity. But I was adverting to the change of language on this question in the House of Commons. Those who formerly concurred with the measure now say they think it better to wait till the next Session, and try the Bill in its present form. Well now, my Lords, I am about to ask your Lordships to pass on with me to the consideration of those topics which have been relied on in the discussion of this measure. Of course, I am unaware of what took place in the Select Committee of your Lordships' House; but I will advert to the principal grounds on which your Lordships' objections are understood to have been based, and I ask your indulgence while I do so, as this is the first time that those points have been discussed in this House. First, I must observe that, in the short public discussions which took place when the Bill was before your Lordships, the proposal to appoint a Chief Judge was designated by one or perhaps more of your Lordships as "a job." If it is a job it is one to be imputed to me alone. I arrived at the conclusion to which my noble and learned Friend to whom I have already adverted had previously come as to the necessity of having a head to this tribunal. Her Majesty's Government adopted my suggestion on the subject; but I must entirely disclaim having been influenced in that conclusion by any other consideration whatever than that such a head was absolutely necessary for the proper administration of the law. It is undoubtedly true—and I will confess it to the noble Earl—that I did meditate a little bit of political delinquency against him, because, my Lords, you are aware that the administration of justice in Bankruptcy had been always united to the administration of justice in Chancery; and, therefore, if the Government had to make a selection for this office there was a probability of their being obliged to go to the ranks of the supporters of the noble Earl. It was thus brought to my mind that I was labouring for the benefit of the noble Earl, though probably I should be compelled to deprive him of one of his political supporters. This proposition of the Bill has been objected to on the ground that it entailed an unnecessary expense. I could, my Lords, go into details, and show you that this measure will result in a saving to the public; but I do not think that the question of expense is one on which any solid argument can be founded, and I shall, therefore, pass from this preliminary consideration — only observing that the five Commissioners of Bankrupts who receive salaries amounting to £10,000 a year, that there are Commissioners of the Insolvent Courts, and official assignees, the whole of whom will be either at once or gradually abolished; and that the saving in official salaries will be £12,000 or £15,000 a year, while the whole charge thrown upon the Consolidated Fund will be a single £5,000 a year. I shall, with your Lordships' permission, make a short statement with reference to the present system, and then explain to you why this change has been introduced — why some change is necessary — and what are the means by which we propose to effect the desirable alterations. My Lords, from a very early period the complaint respecting the Bankruptcy Court has been one directed against the mode of administering justice, and not against the rules themselves. The rules of administration are exceedingly simple; but the mode of administering justice has always been found most difficult, or, at all events, has been constantly subject to much complaint. I think the great difficulty in the administration of justice in Bankruptcy hitherto has been the complete confusion between the administrative and the judicial duties. They have been confounded; there has been no provision for their distinction and separation; and the result has been that the judicial part has been performed in an unsatisfactory manner, and that the administrative part has been also performed with a less amount of prudence and skill than ordinary commercial intelligence, if applied to the subject, would secure. From the earliest times to about thirty years ago the administration of the Bankruptcy law throughout the country was carried on by seventy Commissioners, who were ordinarily called "the Lord Chancellor's Septuagint." It had been found utterly impossible to submit that system to any effective control, and it was broken up by my noble and learned Friend Lord Brougham in 1831. Changes have been made since then, and under the existing system there are several Commissioners, but they are without any controlling head. Each exercises a separate and independent jurisdiction and pronounces his own orders, and each comprehends in himself administrative and judicial functions. The result is this—that if you go into the Court of a Commissioner you will perhaps find a meeting of creditors going on, and at the same time the Commissioner is transacting something approaching to judicial business. There is no effective control over the Commissioner—no controlling power to which an appeal may be made speedily and economically for the purpose of setting at rest the numerous questions that will arise in so large a field as the administration of Bankruptcy and Insolvency. That is one of the evils which suggested the necessity of efficiently controlling all those tribunals till it was possible to substitute for them a uniform administration of justice in one single Judge, who should combine dignity, rank, and that satisfaction which the Judges of England give to the people when justice is meted out by persons filling high stations. That is one of the first evils which it is desirable to suppress by the appointment of this Judge, whose functions are intended to be of a threefold character. First, he is to superintend all the administrative part of the business; and then he is to exercise a jurisdiction of a double character—partly original and partly appellate. In the superintendence of the administrative business questions constantly arise—with regard to the collection and distribution of the property of bankrupts—on which a speedy and satisfactory decision is highly desirable. What we desire is to unite simplicity and uniformity. Questions arising in all parts of the country will be brought before this Judge without any of the forms usually required in courts of justice; and at an expense of a few shillings an immediate decision will be had on the question which the parties may wish to have determined. All who are conversant with the mode in which the great mass of the ordinary business is transacted, both in the courts of law and equity, are aware that it is performed by a Judge in chambers. It is done most competently, most efficiently, and most cheaply. But it can easily be believed that in the whole of England, throughout an area where so many bankruptcies and insolvencies occur, cases will perpetually arise which cannot be satisfactorily settled by a single Commissioner —who, by the way, is hardly ever at his office, except on state occasions. But these will be settled by establishing a tribunal in London to which there will be constant reference; and this tribunal is only to be attained by the appointment of a Judge with rank and duties such as are described in the provisions of this Bill. One of the great evils incident to our administration of the law of bankruptcy has been that the Court was always one of limited jurisdiction, exercising power only among the creditors themselves. Its jurisdiction was such that it could not avail itself of the ordinary appliances of justice. For example, a Bankruptcy Court or a Bankruptcy Judge had no power of acting against any person who was a stranger to the suit. He had no power of trying a question by means of a jury, nor had he any power of administering justice upon any of the principles or rights of a court of equity. This was a great evil which manifested itself in this way. Questions continually arose which the Judge found himself unable to determine; to-day he was obliged to send parties to a court of law, and to-morrow to a court of equity. Suitors, or rather creditors in bankruptcy, being brought within a limited *forum*, were compelled to have recourse to other tribunals to obtain that justice and determination which the Bankruptcy Court itself was not competent to give. In the preparation of this Bill I accordingly directed my attention to rendering the Court of Bankruptcy self-sufficient. I armed it with all the powers exercised either by courts of law or equity; and those who come into it for relief will no longer be danced about and sent at one time to one side of Westminster Hall, and at another to a different side of Westminster Hall; but the Court itself, possessing all the requisite powers, will be enabled to administer justice finally, fully, and without seeking the aid of any ancillary tribunal. But this could not be accomplished without putting at the head of the Court a Judge equal in rank, dignity, and standing, in experience and education, to any of the Judges of the courts of law or equity; and that is another great object which I desire to accomplish by this Bill; for your Lordships are all sufficiently versed in the state of the law to know that we in England suffer under evils which have grown up from the fact that a great portion of justice is administered by one tribunal, and another equal or larger portion of justice is administered by another; the two tribunals being frequently antagonistic and opposed to each other — so that, in point of fact, justice is constantly elaborated by a system of counter processes. This anomalous state of the law would speedily bring it into discredit if it were not that in this country the manner in which justice is administered is so satisfactory that it atones for a great part of the evils of the system. These are the evils and these the mischievous operations which I desire to remedy by this Bill; but it is impossible that I can remove them unless I put at the head of the new jurisdiction a Judge equal to its conduct in every particular. I would fain hope that on fuller acquaintance with the provisions of this Bill your Lordships will support them, because I feel assured that if you had known and understood them you never would have been parties to depriving England of the benefit that would result from the establishment, for the first time in this country, of an all-sufficient tribunal that would be able to administer justice in all its branches, and would set the example of a Court competent to discharge its duty without dancing the suitor to and fro to enable him to get a fragment of justice in one place and another fragment elsewhere. We come, in the next place, to the appellate jurisdiction of the Court. Remember that you have scattered over the country a great variety of local tribunals and local Judges, charged with the duty of administering this law of bankruptcy each within a limited area. Is it not desirable to establish with regard to them the efficient superintendence of a central authority, which by its rightful exercise of power, shall secure uniformity of principle, unity in the administration of justice, and consistency and care in every part of the system? And that is the function with which the Judge will be invested in his character of an appellate tribunal. Your Lordships, perhaps, will pardon me if I transgress the ordinary rules in referring to proceedings in Committee, but I have been informed that the Judge was then regarded merely in his character of an appellate Judge. The Committee was told — no doubt by very great authority—that the existing tribunals sufficed abundantly for all the exigencies of appeal, and that a Judge invested with such functions would be a perfect superfluity. If that was the ground on which the Committee proceeded, I am not surprised at their Report; but I am greatly surprised that even an ordinary perusal of this Bill should not have conveyed to the least technically-informed mind on the Committee conclusions utterly at variance with the limited view taken of the functions of the Judge. But I am not afraid of perilling this measure by putting it again on the question of the necessity of a Judge of appeal. This Bill, for the first time, throws down the wall of partition that has grown up or been established either by accident or by design, or by that which has originated so much in our jurisprudence, *per incuriam*, between the administration of the law of bankruptcy for the trader and of insolvency for the non-trader. I stay not to explain the reasons why that partition should no longer exist —you have determined both in this and the other House of Parliament that it shall not do so. But what is the consequence? You add to the Court of Bankruptcy more than double its antecedent jurisdiction. For years past the jurisdiction of the Court of Bankruptcy has not very much exceeded 1,000 commissions or fiats annually. The petitions in the Insolvent Debtors' Court amount to considerably more than 2,000 per annum. Therefore, in considering the exigencies for an appellate tribunal, and the duties which will belong to it, it would be the most idle thing in the world to proceed, as I am told, with great respect, the Committee of the House did, upon the statement of what the number of appeals in bankruptcy has hitherto been. But it does not stop here. The practical operation of the evil administration of the law of bankruptcy, the result of the cumbrous system which was established originally, afterwards reproduced in 1831, and again reproduced with slight alterations in 1848, has been to drive the Queen's subjects out of her courts and to compel the people of this country to abandon the legal highway of public justice, and to seek relief in by-roads of administration by which they may get that which they cannot obtain in the courts of the Sovereign. And the practical result has been that, by reason of your having an unsatisfactory law of bankruptcy, the private administrations of insolvent estates have multiplied to such an extent that they now exceed in number by more than ten times the ordinary commissions of bankruptcy. While for many years the commissions of bankruptcy —I use the old phrase—have scarcely exceeded in number 1,000 or 1,100 per annum, the number of compositions with creditors, assignments for the benefit of creditors, and inspectorship deeds has averaged annually between 10,000 and 11,000. Can anything be a more complete proof of the unsatisfactory administration of the bankrupt law than the fact that people prefer private arrangement to public administration? Because these private arrangements are carried on at great disadvantage. In the present state of the law if any question arose under one of these deeds, there is no relief for the party except by a suit in Chancery; and although I am bound to say that relief is now obtained in that Court at a much less expense than formerly, yet a suit for the benefit of a number of persons interested in a trust deed is still a proceeding attended with much delay and necessarily with much expense. Yet, notwithstanding all these evils, the country has for years preferred this imperfect justice to that which was obtainable in the Queen's Court of Bankruptcy. One of the objects of this Bill is to distribute to the country the stream of law and equity in bankruptcy in the same manner in which they obtain it from the other Courts in Westminster Hall; and accordingly it compels all persons interested under these trust deeds to resort to the Court of Bankruptcy, and it gives them power to go to the Chief Judge with the same facility and readiness—and even with more than the same facility and readiness—with which an individual would go to his solicitor or his counsel, and to have determined promptly and economically any question which may arise in the administration of property under these deeds. Now, every noble Lord will at once observe that after enlarging the jurisdiction of this Court, first, by pouring into it all the business now done by the Insolvent Debtors' Court, and then adding to it all the enormous mass of property rights, trusts, and engagements which are dealt with in the 10,000 or 11,000 trust deeds which are annually manufactured, you will, in point of fact, have a Court crammed with business, instead of, as now, one which is deserted and neglected, and which is visited only by those who are compelled to resort to it to expose some fraud or to overcome some difficulty in the administration of an estate. How does this bear upon the appellate jurisdiction? In this way:—First of all the Judge will be the first person consulted to solve all questions which arise under these trustees, and in the next all such questions, when decided elsewhere, will, if necessary, come before him in his appellate capacity. Is it possible for any noble Lord to doubt the necessity of having such a head, or will it be possible any longer to listen to the suggestion which has been made that the present appellate tribunal in bankruptcy is perfectly equal to all that will be required? I think I have shown to all who have listened to me that it would be most fallacious to derive arguments from the business now transacted by the Court of Bankruptcy, and to apply them to the extended area which will belong to the tribunal constituted by this Bill. It has been repeatedly mentioned that some persons who are engaged in trade in different places have expressed an opinion that the present tribunal of appeal in bankruptcy is equal to the exigencies of the case; and in a petition signed by certain merchants of Manchester I find it is said—

> "That your petitioners are of opinion that the appointment of a Chief Judge would be a useless expenditure of public money. The Lords Justices discharge their duties in a satisfactory manner, and have ample time at their disposal."

Yet the very gentlemen who signed that document presented an earlier petition, in which they said—

> "With a view to the amendment of the Bankruptcy Law your petitioners consider that the strength and character of the Courts ought to be improved, and that uniformity in the administration of the law ought to be secured."

How are you to improve the standing of the Judge, except as this Bill proposes? How are you to secure uniformity in the administration of justice except by establishing a culminating point to which all these petty tribunals may at once yield? I listen to the opinion of mercantile men with great respect and attention when it is expressed with reference to evils of which they are sensible, or to matters connected with the more ready collection, management, and conversion of estates; but matters of legislation and of the administration of justice belong to legislators and not to merchants; they belong to men who have spent their lives in courts of justice and in the examination of their procedure—and I cannot for a moment imagine that the opinions of commercial men upon questions of that nature will have the weight with your Lordships which would deservedly attach to them upon matters within their experience and the extent of their proper observations. These are the principal objects which it is proposed to effect by the Bill with regard to the enlargement of the jurisdiction of the Court; but in the enumeration of the objects of the Bill I have omitted one of the most important. There is nothing which has for a long period of time caused greater reproach to the administration of the bankrupt law, or more injuriously affected the commercial interests of the kingdom, than the manner in which a bankrupt's conduct as a trader has been examined and the principles which have been applied to his discharge from his liabilities. I am sorry to say that there have been exhibited in England during the last few years instances of looseness of commercial morality which it has been painful to witness, and which have been most injurious to the credit of the community. A great number of these have been brought to light through the instrumentality of the Courts of Bankruptcy, but I am sorry to say that the Courts of Bankruptcy as at present constituted have differed from each other in a most wonderful manner as to the punishment which ought to be applied to this delinquency when discovered. Some years ago your Lordships attended to this subject, and those who framed the Bill which then became law, thought that they had made a useful discovery in classifying bankrupt debtors, and dividing them according to their certificates into three classes. A certificate of the first-class evidences that the bankruptcy was due to unforeseen circumstances alone. The second class includes those cases in which bankruptcy has been caused partly by unforeseen accidents and partly by improvidence; and the third class those in which bankruptcy has been entirely owing to the bankrupt's own want of providence and improper conduct of his business. Now, my Lords, I would wish, with all humility, to impress on your mind that it is very little matter what rules you lay down, unless you provide corresponding machinery that shall insure the efficient administration of those rules according to the spirit in which they have been conceived. I would recall to your memory the old saw which asserts as a general principle that "whate'er is best administered is best." The application of the rules as to classification has been left to a number of Commissioners, who differ so greatly in the estimation of commercial delinquency that where one would award a first-class certificate another would refuse a certificate altogether. Upon an analysis which I presented to the other House it was shown that in 100 cases one Commissioner had given 13 first-class certificates, where another had given 50 or 60. The consequence is that the classification in bankruptcy has been frittered away in its application until it has become useless and absurd. I desire to restore its efficacy by establishing one head and one hand to administer the rules, and to give uniformity and consistency to their application. Accordingly this Bill proposes that in all cases of disputed discharge, which form the great proportion of the cases of appeal, the Chief Judge should be immediately resorted to, and should determine the extent to which the bankrupt is entitled to a discharge, and the measure of delinquency which is to be stamped upon him. Moreover, there is, as your Lordships are aware, a different rule with regard to future property in cases of insolvency and of bankruptcy. When a man is discharged in the Insolvent Debtors' Court his future property is left liable to his creditors, while in the Bankruptcy Court, as a general rule, a bankrupt's future property is not exposed to the same liability. In throwing down that distinction it appeared right to the House of Commons, and your Lordships have concurred, to give to the tribunal that granted the discharge the power of determining, where the circumstances required it, that the future property of the bankrupt, although discharged, should still be liable. That is a very grave discretionary power, and ought only to be intrusted to a Judge of high position and authority. That is one of the points on which I am sanguine enough to hope that the provisions of the Bill will be a great improvement of the present law. But that hope is completely strangled and destroyed by your refusal to acknowledge the hand by which alone these benefits can be secured. We have been told, apparently on authority, that the tribunal of the Lords Justices is adequate to all exigencies of the appellate jurisdiction. I venture to say that there are no Judges who are more fully or more advantageously employed at this moment than the Lords Justices; and it is impossible, without materially interfering with their utility, to add anything to the burdens which they already have to bear. The extent of the appellate tribunal in this House compels the Lord Chancellor to be here about five days in every week, except when Parliament is not sitting, and during that period it is of course impossible for him to attend in the Court of Chancery. A great part of the administration of the appellate tribunal in Chancery consequently devolves on the Lords Justices. A great addition of business also has lately fallen on the Privy Council. The Lords Justices sit in the Privy Council a great number of days in the year, and I feel assured that the business of that Court will go on increasing, and that the demands which will be made in that respect on the Lords Justices will thus be yearly augmented. Those who profess that the Lords Justices are sufficient for the work must know perfectly well that they will be sufficient only till next March or April, when perhaps they hope to see a change of circumstances which may alter their view. I maintain that the Lords Justices have not time, or anything like time, to discharge the appellate jurisdiction constituted by this Bill. There may be some few cases in which appeals will still go from the Chief Judge to the Lords Justices, but the control and superintendence of the subordinate officers and the great mass of the appellate business will be borne by the former. I hope, if this Bill passes, that the public administration of the business of the Bankruptcy Court will be placed on the same footing as the administration of probate and divorce, which is now discharged by a single Judge, with the aid of registrars throughout the country; it is a tribunal which works with the utmost effect and simplicity, and the cost of the Court, I am happy to say, is not a fifteenth or sixteenth part of the old testamentary jurisdiction. It is my hope that to introduce a similar simplicity of jurisdiction into bankruptcy; and accordingly power is taken in the Bill not to fill up the vacancies which may occur among the Commissioners of Bankrupts; and there are many other topics, my Lords, to which I would willingly refer, but I must not trespass too long upon your kind and patient attention. I venture to think that no one will read this Bill and observe its working without concurring with me in acknowledging the necessity of the appointment of a Chief Judge. Therefore, in an earnest desire to promote the sacred interests of truth and justice, I humbly request you to agree with the House of Commons in their rejection of your Amendments, as far as they relate to the appointment of a Chief Judge. I believe that by so doing you will most effectually promote the great cause of reform in the administration of justice in this country. The noble and learned Lord then *moved*, not to insist on the Amendments made by this House relating to the Office, Powers, and Duties of the Chief Judge of the Court of Bankruptcy, to which the Commons have disagreed.

Lord CRANWORTH said, there was one part of the able speech of his noble and learned Friend in which he fully concurred, and that was the part in which his noble and learned Friend expressed his regret that this was the first time the question had been discussed in their Lordships' House; but he could not agree that this circumstance was attributable to those who considered the creation of a Chief Judge unnecessary. When the Bill was read a second time, he gave his late lamented Friend who then occupied the Woolsack distinct warning that he considered the appointment of a Chief Judge unnecessary and mischievous, and that he should oppose that part of the Bill. The noble and learned Lord (the Lord Chancellor) regretted that the discussion on this measure should have taken place in what he called a Secret Committee. It was in a Select Committee, which in that sense was a Secret Committee. But why was the Bill sent to a Select Committee? He (Lord Cranworth) pointed out to his late lamented Friend so many objections on points not, perhaps separately of great importance, but absolutely necessary to be corrected, that it was impossible to deal with them in a Committee of the Whole House, and his late noble Friend concurred in its being referred to a Select Committee, but expressly stated that it should be open to any Member to oppose any alterations when the Bill came to be discussed in Committee of the Whole House. When the Bill was before their Lordships again, he expected to hear from his late noble and lamented Friend the reasons upon which the proposal to appoint a Chief Judge was made; but they only heard him say that he was satisfied that without a Chief Judge the Bill could not work. Whose fault, then, was it that they were now driven to discuss the propriety of their most important feature of the Bill in the most inconvenient mode of objecting to Amendments by the other House? Certainly it was not the fault of those who raised objections to the proposal, but of those who never condescended to give the reasons which induced them to propose it at a more legitimate stage of the Bill. His noble and learned Friend on the Woolsack had stated a great number of abstract propositions from which no one dissented. No one doubted that it was important that justice should be uniformly administered, or that Parliament would not grudge the cost of a Chief Judge. But what he complained of was that his noble and learned Friend had given the go-by to the real question, which was whether the enactments of the Bill pointed out any necessity for the officer whom it proposed to appoint. No one could come to a correct conclusion who did not bear in mind what the duties administered in bankruptcy were, and how this Bill proposed to deal with them? What did the statement that a man had become bankrupt mean? That a person was in debt, and that he had committed an overt act of insolvency. Those points established the law took possession of his property, and distributed it rateably among his creditors. In order to make a man bankrupt it must be proved that the person making him a bankrupt was a creditor, and that he had committed an act of bankruptcy. It was a simple proceeding, and the machinery by which it was now effected consisted of five Commissioners in London and seven or eight in the most populous places in the country. If the person against whom proceedings were taken disputed the adjudication, the matter was investigated; but in a very large proportion of cases he was adjudged bankrupt. Generally the proceedings were of a merely formal character; and indeed that was the view of the noble and learned Lord who anticipated that the greater part of the future proceedings in bankruptcy would be taken before the registrars. All his property then became vested in a public officer; and then came the tug of war. The claims of persons to be creditors were investigated in undisputed cases before the registrar, and in disputed cases before the Commissioner. The question whether a man was a creditor or not did not depend on any peculiar law conected with bankruptcy, but on the ordinary law of the land. The list of creditors having been settled, the property of the bankrupt was got in, and distribution was made rateably among his creditors. Those were the simple functions which the Commissioners had to discharge, and to state gravely that the gentlemen who at present held those appointments were incapable of performing such duties seemed to him to be drawing upon the credulity of their Lordships to an extent hardly conceivable. He need not name the present Commissioners, but among them he could point out men who for integrity, honour, and knowledge of law stood as high in the estimation of the profession as any functionary that could be selected. Lord Brougham, in 1831, constituted a Chief Judge and three pusine Judges as a Court of Appeal from the decisions of the Commissioners. His noble and learned Friend had been sneered at for having created a tribunal which was unnecessary, but he thought his noble and learned Friend was at that time well justified in supposing that a great deal of business would come to the Court of Review. The appeals in bankruptcy used to be from the old Commissioners to the Lord Chancellor, and in Lord Eldon's day a large portion of the time of the Lord Chancellor was occupied with bankruptcy questions. But by a superior class of Commissioners being appointed, and by amendments in the law, which took away four-fifths of the subject matter of litigation, the Court of Review had really nothing to do. The consequence was that the Court fell to the ground, and in 1847 the whole business was transferred to one of the Vice-Chancellors, and in 1851 to the Lords Justices, and from that time to the present that system prevailed. The complaint which he had originally made when the Bill was introduced was that it did not at the outset define the jurisdiction of the Chief Judge. His jurisdiction had to be picked out from the various clauses of the Bill. It was very easy to state generalities and truisms about Courts of Appeal and the necessity of keeping Judges in uniformity; but what the House wished to have explained to it was what the Judge had to do, and how the duties placed upon him would carry out those generalities. There was an old adage—"*Dolus latet in generalibus,*" and without accusing his noble and learned Friend of being *dolosus,* he did accuse him of having misled their Lordships in his zeal for the Bill by not condescending to particulars. He had looked through the Bill carefully several times with a view of ascertaining what the jurisdiction of the Chief Judge was. With regard, first, to his original jurisdiction, Clause 18 gave him power to review bills of costs; Clause 43 gave him power to regulate certain payments made for coals, stationery, &c.; and Clause 52 transferred to him certain powers to make general orders and regulations. By Clause 60 he was enabled, along with the Commissioner, to assign uncontested business to the administration of the Registrars; and Clause 61 gave the parties in those uncontested proceedings liberty to take his opinion on any point which might arise in the course of them. Clause 63 gave him power to order any person who might refuse to answer before the Registrar to pay the costs; and Clause 64 enabled the parties to any proceeding by agreement to take his opinion at any stage by submitting a special case. With regard to Clauses 67 and 68 persons who were actuated by a feeling of hostility towards the Bill might almost say that they had been introduced for the purpose of making it appear to the public that something had been done, when, in fact, nothing was done. They gave power to the Chief Judge to try issues by a jury; but he was perfectly certain that such a power never would be used. When the Court of Review was established he remembered Sir George Rose saying that the power of trying by jury never would be used, for there were no questions which required to be solved by a jury. In order that there might be no doubt on the point, he (Lord Cranworth) had written to Mr. Erskine to ask him what number of issues had been tried by a jury during the seven he years had presided in the Court, and his answer was that he believed that three had been tried, or set down for trial, but only one had ended in a verdict. Passing on to Clause 99 it merely gave authority to transfer certain cases from the Chief Judge to other courts. Clause 112 referred to the provisions that enabled pauper insolvents to be adjudicated bankrupts. Clause 142 was more important; it provided, in case of any dispute between the creditors and assignee, or creditors and a trustee, that the question in dispute might be referred to the Chief Judge. A similar power now exists of referring to a Commissioner. But, in fact, there had been very few such references, as such questions did not arise. The 164th Clause gave the Chief Judge the power of refusing or suspending orders of discharge, or in other words of giving or refusing the certificate. But that was not a new proposition, there was a similar provision in the 229th section of the old Bankruptcy Act, though he admitted that this clause went further in this respect than the old Act, and was so far an improvement. That was a new jurisdiction and an important one; but it was for their Lordships to say whether it was important enough to render the appointment of a Chief Judge necessary. In the country this jurisdiction was entrusted to the Commissioners alone. Were they such superior men that the same functions could not be given to the London Commissioners? Even by this Bill this power in many cases was given to the Judges of the County Courts. Could it, then, be said that this function rendered a Chief Judge necessary? No doubt it was proper that this power should be entrusted to the Chief Judge, supposing it to be conceded that a Chief Judge was necessary. But nothing appeared in the Bill which showed it to be necessary that a high legal functionary ranking with the Judges of the land should be appointed to perform the functions he had pointed out, and which were at present executed by functionaries of a lower rank. Besides, he would appeal to his noble and learned Friends to say whether anything was said in the Committee of these different functions that were to render a Chief Judge necessary. All that was said was that he would be more accessible as a Judge of Appeal than the Lords Justices.

THE LORD CHANCELLOR explained that there would still remain many cases that would go to the Chief Judge.

LORD CRANWORTH said, that was the way in which they had been misled. They had been led to suppose that nothing would go to the Chief Judge but appeals from the Commissioners. Where was the clause which took away the power of appealing from the Commissioners to the Lords Justices? Noble Lords who were on the Committee would correct him if he was wrong in stating that the question had been put several times, and that the answer had been that there was no intention to take that appeal away. The jurisdiction of the Lords Justices in those cases was now existing, and could not be taken away without express words. It had, however, been urged that the Chief Judge would be more accessible—that appeals would be brought before him readily and cheaply. He would take the liberty of pointing out to their Lordships that appeals now came before the Lords Justices by "motion, petition, or special cause," and those were the very words introduced into this Bill. in reference to appeals to the Chief Judge. How, then, was it proposed to make appeals come before the Chief Judge more readily and in a cheaper manner than they now did before the Lords Justices? Surely it could not be intended to frame a different scale of fees for the Chief Judge's Court of Appeal to induce suitors to give it the preference. Many persons, however, I believe most, would prefer to have the decision of the Lords Justices to that of the Chief Judge, and they would still have the power of carrying their cases before them. He did not doubt that appeals might be heard more rapidly by the Chief Judge, for he feared that that learned functionary would have nothing to do. If their Lordships were anxious to constitute a functionary who should have nothing to do but hear imaginary appeals there might be a very good reason for appointing this Chief Judge. A Return presented to their Lordships showed that in a space of between thirteen and fourteen years, since 1847, the Lords Justices had heard bankruptcy appeals on 215 days, or about fifteen days in each year. But their Lordships must not imagine that the whole of those fifteen days were spent in the discharge of that duty. It often happened that two or three of those appeals were put at the head of the paper, and that, when they were disposed of, the Lords Justices proceeded to other business. But, even supposing that the whole fifteen days were spent in hearing these appeals, surely they would not want another Judge for that. His noble and learned Friend on the Woolsack said that the Lords Justices were fully occupied. He admitted it; but they got through the whole of their business—including the bankruptcy appeals—within the year. He now submitted to their Lordships that a constitutional question of the gravest importance was raised by the 23rd Clause, and the interpretation which his noble and learned Friend on the Woolsack put on that clause. If the object of that clause was to give power to the Government, having regard to the state of business in the Court, not to fill up vacancies, it was a very proper one; but if it was meant that, not having regard to the state of business, the Government should have the power of not filling up the vacancies, with the view of creating another form of tribunal—namely, a Chief Judge without Commissioners—then he said that the power was not one which it was proper to vest in any authority save the Legislature. On the present occasion he was only taking the course which he had intimated to his noble and learned Friend the late Lord Chancellor that he would follow in respect to this Bill. He believed that the appointment of the Chief Judge was not necessary; and that not being necessary it was objectionable and mischievous. He could assure his noble and learned Friend that his only object was to act in this matter according to his honest convictions, and in every law reform his noble and learned Friend might rest assured that he would find no more cordial supporter than himself.

LORD CHELMSFORD: My Lords, no one can for a moment question the motive which has actuated my noble and learned Friend in the admirable speech which he has just delivered; and, my Lords, I feel gratified that my noble and learned Friend has pursued the course which he has, because, I think, it furnishes a most complete refutation to the insinuation of my noble and learned Friend on the Woolsack, that the opposition to this Bill was on political grounds. My noble and learned Friend has also endeavoured to insinuate that even the Committee which decided this question was improperly biassed in the division to which they came, and he has stigmatized the Committee by calling it a "Secret Committee," with very considerable emphasis. Now, my Lords, I must say for that Committee that, though the majority of the noble Lords who composed it were supporters of the Government, I believe there was not a Member of it who did not try to perform his duty faithfully, and make the Bill as perfect and complete as it could be made, and who did not give his undivided attention to this important subject. My noble and learned Friend on the Woolsack has desired particularly to know what were the grounds which influenced the Select Committee in coming to the conclusion against the establishment of a Chief Judge. I think the unanswerable speech of my noble and learned Friend who has just spoken will gratify his curiosity. My noble and learned Friend, by his dissection of all the clauses of the Bill, has so completely exposed the groundlessness of the principle on which it is alleged the Chief Judge ought to be established, that I do not wonder that no noble Lord who disagrees with him has risen to reply to his argument, but that they have rather chosen to have the answer —if answer there can be given—to my noble and learned Friend on the Woolsack. My noble and learned Friend, in a tone which we have been unaccustomed to hear, insinuated that in consequence of the decision of the Select Committee, the votes in the other House have been influenced, and that Members of that House who had given their support to him have been induced to change their opinions; and my noble and learned Friend, complimenting those who had supported him generally, stated that the suggestion of the Chief Judge came from an hon. and learned Member who was Attorney General under the late Government. I do not think my noble Friend (the Earl of Derby) or any one of his Government is answerable for the opinions entertained on the subject of bankruptcy by my hon. and learned Friend Sir FitzRoy Kelly. The Government of my noble Friend brought in a Bill in the year 1859; but that Bill makes no provision for a Chief Judge, nor for any alteration in the existing establishment. My noble and learned Friend has addressed your Lordships with considerable ingenuity and ability. He naturally feels great solicitude for his own offspring, for it has been the result of long and painful labour. My noble and learned Friend will see nothing but symmetry in its limbs, and is displeased if anybody can discover anything like deformity or irregularity in them. But, as he has laid his offspring at the door of the public, we must be excused if we examine it a little before we determine whether it is worth taking up and adopting. The question you are called on to determine is, not whether the present system ought to be abolished, and in its place a high Court established, with a Judge exercising important judicial functions, and with subordinate functionaries, to whom administrative duties alone are to be given. That was partially, at least, the scheme of my noble and learned Friend during the last Session of Parliament, because he then introduced a Bill into the House of Commons by which he proposed to get rid of the London Commissioners altogether, and to establish in their place a Chief Judge. But the question is this—are you of opinion that, retaining the present system, you should superadd a Judge of high rank and with large salary, to perform duties which, I will satisfy your Lordships, are now adequately and efficiently performed by those to whom they are intrusted? In looking at these subjects a very narrow view is often taken. We are apt to look at things round us, and to forget those which are far off. We turn our attention exclusively to the London district, and we omit from our recollection the fact that there are such places as Manchester, Birmingham, Liverpool, and other great commercial towns, where trade is carried on as extensively, where bankruptcies are as numerous, and where the estates to be distributed are as large as in the Metropolis. I am very much disposed to agree with my noble and learned Friend that matters in bankruptcy are not of such importance as to require the intervention of a functionary of this description, and that proceedings in that Court ought not to be so dignified. I stated on a former occasion that of the bankruptcies which take place annually 85 per cent are estates under £1,000, and the great majority are estates of less than £300. The duties of this great Judge, therefore, will be confined, in the first place, to 15 per cent of the bankruptcies in the metropolitan district only—for the cases throughout the country will derive no benefit from the "dignity" of the Judge, on which the Mercantile Law Amendment Society lay such stress. The other functionaries in different parts of England must shine with their own dim light, for they will not have the slightest lustre reflected upon them from the rays of the dignity of the metropolitan Court. Both my noble and learned Friend and the House of Commons in the Reasons which they give for adhering to their own opinion say that it is most desirable to establish consistency and uniformity of decision. To accomplish so desirable an end there is no necessary sacrifice which ought to be refused.

It could be accomplished in one of two ways—either by vesting the jurisdiction in a single person, or by an appellate tribunal checking and controlling the proceedings of a multiplicity of Judges. From the Reasons assigned by the House of Commons any one not informed on the subject would believe that this was the first time that a court of appeal had been suggested. But it is stated that there is already a most admirable court of appeal, which performs its duties most satisfactorily and efficiently. It is impossible to praise too highly the character and ability of the Lords Justices, who practically form the court of appeal, whose powers it is proposed to transfer to the new Judge. My noble and learned Friend says they are overburdened with work, and that they will be unable to perform, not merely their new, but their present duties. With regard to their attendance at the Privy Council my noble and learned Friend knows that the time which they devote to that part of their business is the very time at which the Court of Chancery is not sitting. Nor is he more correct in saying that they have no time to give to the duties of a court of appeal in Bankruptcy. I take last year as an illustration, and I find that the forty-two cases which constituted the whole of the business in that Court were settled in the course of fifteen days. It has been said that there is delay; but, in my opinion, it is merely imaginary. No delay was ever complained of—ever suggested—till it became necessary to establish some ground for transferring their jurisdiction to the new functionary. If any delay has taken place it has been, I believe, on the part of the suitor, and not of the Judge. Whether it be a petition, motion, or special case, if it is put down on Monday or Tuesday, it will be heard on the Friday following. Another ground on which the change is advocated is the costliness of appeal. My hon. and learned Friend the Attorney General stated that it would be impossible any appeal could take place from the Lords Justices at a cost of less than £60. That amount rather startled me; but I should like to know how it will be in the slightest degree diminished by any of the provisions of this Bill. Nay, it appears to me extremely probable that the expense will be very considerably increased. There may be an appeal to the Chief Judge, and there may also be an appeal from his ruling to the court of appeal in Chancery, providing the Judge gives permission for that appeal to take place. I do not know who is the Great Unknown on this occasion. From something which fell from my noble and learned Friend I am led to suppose that he has desired not to commit the Government to a hasty choice; but that he has some one in his mind whom he appeared to be considering in the course of his speech. But for a considerable time the Chief Judge, whoever he may be, will not be likely to have the experience of the present London Commissioners, and if he has the becoming diffidence which I expect he will have, and the feeling which every Judge ought to have, that in doubtful cases his decision should not be final, he will not, when reversing the decisions of the Commissioners, refuse the parties permission to appeal; and thus, instead of diminishing the cost of appeals, you will probably double it, because in many cases there will be a double appeal. My noble and learned Friend admits that the existing business is not sufficient to justify the appointment of a Chief Judge; but he says that insolvency and bankruptcy are to be united, and that there will be such an influx of business arising from that union that it will be quite impossible for the Lords Justices to get rid of it. I believe that that supposition is as imaginary as many others with which he has favoured your Lordships. The insolvent business is, as regards value, generally of a very insignificant character. Very few insolvencies would bear the expense of an appeal, and we who have had experience in courts of justice know that there is very little encouragement to enter an appeal when there are no funds to maintain it. But let us suppose—and it is a good deal to suppose—that this union of the two kinds of business will double the number of appeals; that, instead of there being forty-two appeals in a year, there will be eighty-four, and instead of fifteen days being required for disposing of them thirty will be needed—is any case made out for appointing a new Judge to discharge these duties? My noble and learned Friend felt this difficulty, and he, therefore, cast about to see how he could find some original jurisdiction to be exercised by him. I remember that when we were in Committee my noble and learned Friend opposite (Lord Cranworth) asked the late Lord Chancellor to define what would be the duties of the Chief Judge. The noble and learned Lord did not give any satisfactory explanation; but, quoting the words of my noble and learned Friend on the Woolsack, he said that the Judge was the keystone of the arch; upon which I ventured to say to some one near me that £5,000 a year was a great deal to pay for a metaphor. Let us come now to this general jurisdiction. My noble and learned Friend opposite has so completely anatomized the provisions of the Bill upon this subject that it is unnecessary for me to go through the different clauses. I may state generally that the only exclusive original jurisdiction which the Chief Judge is to exercise is that with respect to opposed discharges of bankrupts, and the reason given for confiding to him this jurisdiction is that it is desirable to obtain uniformity of decision. It is said that there is great contradiction in the opinions of the Commissioners, and it is for the sake of getting rid of their contradictory decisions that the Chief Judge is to be invested with this original jurisdiction. There is a great deal of misapprehension, not to say misrepresentation, with regard to the contrariety of the decisions of the Commissioners. There is no conflict whatever in their decisions founded on the Bankruptcy law—the contrariety has arisen only in the decisions upon applications for certificates. There are three classes of certificates, and the class of certificate which a bankrupt receives depends upon the view which the Commissioner takes of his conduct. There is no settled or fixed principle involved in that. One Commissioner may take a sterner and another a more lenient view of the conduct of a bankrupt, and no principle is violated. But, with regard to all the great principles of law which enter into questions of bankruptcy, such as those relating to reputed ownership, fraudulent preferences, and so on, there have been no contradictory decisions. But how will the appointment of a Chief Judge get rid of contradiction in the measure of commercial morality in various cases? The 164th section of this Bill points out so clearly that he who runs may read what are the grounds upon which the Commissioner or Judge is to proceed with regard to granting, suspending, or refusing orders of discharge; and it is impossible that there can be any mistake except with regard to the facts which constitute the particular courses of conduct which are pointed out by the section. The clause enacts that the Judge shall give the order unless he finds that the bankrupt has been living extravagantly; incurring debts without a prospect of paying them; falsifying books, or things of that kind. Is not that as much as can be provided for uniformity, and how can the Judge fix any uniform settled principles on which the orders shall proceed?—because every case must turn upon its own facts. Why are not the Commissioners, who are men of the greatest experience, competent to be intrusted with the performance of these simple duties? So much for the uniformity which is to be obtained within the metropolitan district by the appointment of the Chief Judge. But how is uniformity to be secured with regard to the decisions of the nine country Commissioners, and the sixty County Court Judges? Is it not trifling with the House to pretend that this is the ground on which you will establish a new Judge with this high salary? As to the power to be given to the new Judge to try issues of fact, my noble and learned Friend opposite has pointed out very justly that a question of fact is not likely to arise within his jurisdiction once in ten years. The questions which occur in bankruptcy are generally between persons over whom the Court has no jurisdiction—such questions, I mean, as fraudulent references, disputed ownership, and so on, which must be decided, as at present, by the courts of law. In fact, this is only another of the points on which a great parade has been made of the duties to be performed by the new Judge in order to justify his appointment and make people believe it is absolutely necessary. My noble and learned Friend on the Woolsack spoke of the enormous influx of deeds of arrangement to be expected under the Bill; but I think his argument in that respect was somewhat inconsistent. He pointed to the frequency of deeds of arrangement as a proof that the present Court of Bankruptcy is unpopular; and yet he inserts clauses in the Bill for the express purpose of inviting creditors and bankrupts to effect deeds of arrangement. My own opinion is that these clauses are the most valuable in the Bill, for I am satisfied that such deeds are the very best mode which can be resorted to for the purpose of arranging the affairs of a bankrupt in the first instance. I would have your Lordships observe, also, that it is only deeds of arrangement within the metropolitan district which will fall within the province of the Chief Judge, for the Commissioners are to exercise the same authority in the country. Again, the circumstance that the new Judge is to sit in chambers has been made a great deal of without much reason. I very much doubt whether it will prove so satisfactory an arrangement as has been represented. The Commissioners are joined with the Chief Judge in these sittings, and I should suppose would be able to dispose of the business without him. There are many other points upon which I would like to touch, but the clock warns me not to exhaust your Lordships' patience. I have endeavoured to distinguish as far as I could the appellate and the original jurisdiction of the Chief Judge. I have shown in regard to the first that there is no necessity for the creation of a new Judge to discharge the duties, as they are most efficiently and satisfactorily performed by the present court of appeal, and as there is not the slightest chance of any increase of business arising which the Lords Justices could not overtake. I have also shown that the original jurisdiction is nothing but a pretence for making a new appointment; that the business can be done perfectly well by the five Commissioners; and that the idea of procuring by those means greater uniformity of decision than at present is a delusion. I hope, therefore, your Lordships will adhere to the Amendments which you have introduced on the subject—and which were agreed to in the Select Committee without a division—and spare the public purse the expense of this most unnecessary appointment.

LORD WENSLEYDALE said, that he entirely concurred in the views that had been expressed by his noble and learned Friend. The law of bankruptcy required no great amount of legal learning, and he really did not see, therefore, what necessity there was for a Judge of the rank and with the salary proposed by the Bill as it originally stood. This particular question had been very carefully considered by the Committee, which was composed of noble Lords of all shades of politics, who were animated, in his opinion, by only one desire, namely, to pass a measure which should lead to the proper administration of justice in regard to bankruptcy. That Committee had thought fit to make this Amendment, and he had heard nothing which tended in any degree to shake his opinion that the decision of the Committee was a sound one. He was surprised that, after what had passed in Committee, his noble and learned Friend should persist in opposing the Amendments which had been made in the Bill.

THE LORD CHANCELLOR, in reply, said, the kind attention which your Lordships gave me at the outset would be most ungratefully repaid if I were to trespass on you long in reply, and yet I must beg your attention for a few moments. I have listened with great attention and with all the respect which is due to the two noble and learned Lords who spoke after me. I regret deeply that I was unable to hear one word of my noble and learned Friend who spoke last. I say so not for the purpose of exciting a laugh, but to express my sincere regret that I am not able to advert to his observations. But I am indebted to the two noble and learned Lords who spoke before him for a great discovery —namely, how your Lordships' Select Committee arrived at their conclusion; for now I see perfectly that, if they had no further information before them as to the contents of the Bill than the knowledge of the subject, and of the subject of bankruptcy generally, which has been exhibited by my two noble and learned Friends, I have no right to be at all surprised at that conclusion; and when I consider the irresistible effect of the witticisms with which their lucubrations ended, I may assume that in the Committee *solvuntur tabulæ risu,* and so the Chief Judge was dismissed. I beg your Lordships to follow me one moment while I justify the observation, which if I had time I would redeem to the letter, that from beginning to end not one word is correct of all you have heard from these two noble and learned Lords. First, I will take the last observation of the noble and learned Lord who spoke last but one. He talked of deeds of arrangement as if it were desired that they should be excluded by this Bill.

LORD CHELMSFORD: I said, on the contrary, that you encourage them by the Bill.

THE LORD CHANCELLOR: They are encouraged by this Bill, and so the noble and learned Lord said; but he seemed to think that because you encouraged them they would not supply material for the occupation of the Chief Judge. Now, they will supply most abundant material, and they will supply it in this way—that all questions arising under them will have to be disposed of by the Chief Judge, and if one question for judical decision arises in twenty deeds, with 10,500 deeds there must be several hundred questions to come annually before the Chief Judge. Then, in the next place, my noble and learned

Friend and his coadjutors were very eloquent on the subject of the costs of appeal. My noble and learned Friend on my right thought he had discovered a very great failure in the Bill in its leaving the possibility of appeals to the Lords Justices, and he told us that he asked in Committee how that was met, but got no answer. I am very sorry that my noble and learned Friend should not have read the Bill, as it might have superseded the necessity of asking the question. If my noble and learned Friend had only condescended to inform himself how the appeal court was vested in the Lords Justices—how it was originally created by the Consolidation Act, and transferred to the Lords Justices—and if he had looked at the schedule and observed that the clause in the Consolidation Act was repealed, he need never have asked with wondering anxiety to find an answer to the objection that appeals to the Lords Justices were continued. The sections of the Act giving the right of appeal, which was ultimately transferred to the Lords Justices, are repealed by the Bill.

Lord CRANWORTH: The Act which transferred the jurisdiction is not alluded to in the Bill.

The LORD CHANCELLOR: That only shows my noble and learned Friend's want of apprehension. The Act to which he has alluded is an Act transferring an existing jurisdiction; the Act which is repealed is the Act which created the jurisdiction so transferred, and if the jurisdiction which is transferred is repealed, nothing is left upon which the transfer can operate. My noble and learned Friend talked a great deal about the costs of appeal, and wondered how the Bill would effectuate any diminution of that expense. Does the noble and learned Lord know what constitute the principal costs of appeal? I apprehend not. But I will tell him. The great cost of appeals is produced in this way—that before the Lords Justices new evidence is received. Parties come before the Lords Justices with a mass of new affidavits; these affidavits create new issues; and in that way the cost of appeals is indefinitely augmented. If he had condescended first to read the Bill he would have found a section which enacts specifically that on the hearing of appeals before the Chief Judge no new matter shall be received without leave of the Chief Judge; and if he had looked into the evidence given before the Commission which sat in 1854, he would have found the evidence of two of the most extensive practitioners in bankruptcy, and whose names may be seen every day in the newspapers. Those two gentlemen, whose names are Mr. Lawrance and Mr. Linklater, concur in pointing out the evils of the present system, and they state that the present form of appeal to the Lords Justices amounts to a denial of justice. Had he not better have been a little more informed upon the subject before he ventured on these criticisms? This only shows an utter want of understanding the subject; and this is the way your Lordships are brought here. ["Order, order!"] I do not know why exception should be taken to that statement. Do not noble Lords attend here out of anxiety on the subject? You do, and therefore I am quite sure you will give me your ears, and decide not on any antecedent instructions, but according to what in your consciences you believe the interests of justice require. I will turn again to what is much more acceptable—the exposure of the errors which I find have been made. The expenses of the appeals, according to the evidence which I have quoted to you, are so great as to amount, in fact, to a denial of justice, but I have struck at the root of the evil by laying down as a principle that no new evidence shall be received, and I have so regulated the appeal that I expect that the expenses of the appeal will not amount to more than one-tenth of what they are at present. My noble and learned Friend who spoke last but one (Lord Chelmsford) said that I had represented the Lords Justices as not having time for their present work. But I said no such thing. What I said was that they would not have time for the additional work which would be cast upon them by the augmentation of the business of the Bankruptcy Court which would be produced by this Bill. My noble and learned Friend, who spoke immediately after me (Lord Cranworth), went through the Bill, picking out here and there various administrative functions of the Chief Judge, which he seemed to wish to represent to be those for which alone the Chief Judge had been created: but it is quite evident that when the jurisdiction of the Court is enlarged as I have described, the functions of the Judge will also be enlarged to the same extent. The whole Court, in fact, emanates from him, and it is he who regulates all its proceedings. My noble and learned Friend spoke of the absurdity of trying questions of fact in the Bankruptcy Court, and referred to former experience; but he forgets that at that time of day the jurisdiction of the Court was limited. Observe how this appeal to the Chief Judge will work. An estate is brought into the Court, creditors come in and assert that the bankrupt is indebted to them; then questions arise as to the extent of the debt, the constitution of the debt, and the present liability—all these are points which at present are decided by the Commissioners, because the bankrupt will not incur the expense of an appeal, but which the Chief Judge under this Bill will at once decide.

THE EARL OF DERBY: In London only.

THE LORD CHANCELLOR: Yes, and in the country, too. If I had only had half an hour's conversation with the noble Earl over the Table of that Select Committee, I will lay my life that I could have converted him to my opinion. I will pay that tribute to the noble Earl's legal knowledge, to his apprehension, and to his candour. Suppose, now, that a creditor has a claim against a debtor of £500 or £600; the dividend, say, is not more than 4*s.* or 5*s.* in the pound, which brings the sum he has to receive to some £150 or £160. Suppose his claim is rejected by the Commissioner. The expenses of an appeal are about £60 aside, according to the evidence of the gentleman I mentioned before, and a creditor, therefore, will naturally think it a very unwise thing to buy a ticket in the lottery of litigation at the certain expense of £60. Though there may be a mistake made by the Commissioner, it cannot be set right without the creditors having to pay the expenses. *Quicquid delirunt reges*—the Commissioner being the *reges* here—*plectuntur Achivi*—the suitors are mulcted. But under this Bill if a Commissioner—in the country say—rejects a proof, the creditor may send his affidavit up to London by the same night's post, and a few shillings will probably suffice to set right the error committed by the Court below. Have my two noble and learned Friends ever attended the proceedings in bankruptcy? I will just give your Lordships another instance of the inconsiderate manner in which the Select Committee dealt with this Bill. There was a provision in this Bill originally that the Court below should employ a shorthand writer. Without a shorthand writer, when evidence is taken before a Court in London or the country, the examination is taken down, question and answer, by the clerk; and not only is the process of examination dragged out to an indefinite extent, but nothing like cross-examination is possible. Whenever your Lordships sit here judicially, you employ a shorthand writer; but though the practice is recommended by your usage the Select Committee struck the clause out of the Bill. I am obliged to speak strongly on these points, because I have a very strong opinion in regard to them. I have no object to serve in the establishment of this Chief Judge—indeed, what object should I have? My noble and learned Friend said that I had occupied myself with generalities. What I endeavoured to do was to give your Lordships accurately the facts and statistics on which my conclusions were founded. My noble and learned Friend who spoke second in this debate seemed to be under a very erroneous impression as to the amount of duty which would have to be performed by the Chief Judge. Surely he cannot be aware of the number of suits in Chancery arising out of bankruptcy cases; nor that one of the two Commissioners of the Insolvent Debtors' Court, which is to be swept away by this Bill, sat for 150 days in a single year, while the other Commissioner sat for a very considerable number of days to despatch a large amount of business. I shall not trespass further on your Lordships' attention, but leave the matter entirely in your hands. The first question which I think it will be expedient to put to your Lordships for your decision, if it meets with your approbation, will be whether you will insist on your Amendments relating to the office, duties, and power of the Chief Judge. I believe that will be the most convenient form of putting the question, because it will comprehend a whole class of Amendments in one Vote.

LORD CRANWORTH: My Lords, before the Question is put I claim the indulgence of your Lordships while I briefly explain. The noble and learned Lord on the Woolsack has brought against me what, as affecting one who has occupied the position now filled by the noble and learned Lord, was certainly a grave charge—namely, that I had attempted to mislead your Lordships on the important question, whether there did or did not exist an appeal to the Lords Justices. The noble and learned Lord referred to the enactments originally creating the appellate jurisdiction, and also to those which transferred that jurisdiction to the Lords Justices, and he then stated, as a proposition of law, that inasmuch as the clauses in the first Act were repealed by the schedule to the present Bill the jurisdiction vested in the Lords Justices by the subsequent Act was also repealed. If that had been the state of the law I should have incorrectly represented the result. In this House we are always in the habit of looking to the occupant of the Woolsack as pre-eminently the authority to declare to us what the law is. Now, I say that that would not in point of law have been the effect, even if the clauses in the original Act had been repealed. But, as a matter of fact, neither the clauses in the original Act nor those in the subsequent Act are touched by the schedule. I must, therefore, venture, in answer to the reproof which the noble and learned Lord, in not very courteous language addressed to me, to say that he was neither correct in his law, nor accurate in his facts.

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Westbury, L. (*L. Chancellor.*)

Somerset, D.
Sutherland, D.

Ailesbury, M.
Bristol, M.

Airlie, E.
Caithness, E.
Clarendon, E.
Cowper, E.
De Grey, E.
Ducie, E.
Effingham, E.
Granville, E.
Harrington, E.
Harrowby, E.
Minto, E.
Saint German's, E.

Eversley, V.
Falmouth, V.
Sydney, V.
Torrington, V. [*Teller.*]

Carlisle, Bp.
London, Bp.

Belper, L.
Camoys, L
Carew, L.
Dartrey, L. (*L. Cremorne.*)
De Tabley, L.
Elgin, L. (*E. Elgin and Kincardine.*)
Foley, L. [*Teller.*]
Fortescue, L. (*V. Ebrington.*)
Hamilton, L. (*L. Belhaven and Slenton.*)
Harris, L.
Llanover, L.
Manners, L.
Methuen, L.
Poltimore, L.
Ponsonby, L. (*E. Bessborough.*)
Portman, L.
Rivers, L.
Rossie, L. (*L. Kinnaird.*)
Sandys, L.
Saye and Sele, L.
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Wodehouse, L.

Their Lordships' Amendments relating to the Chief Judge were, therefore, adhered to.

Resolved in the *Affirmative.*

THE LORD CHANCELLOR said, the next class of Amendments referred to the official assignees and the creditors' assignees. With the permission of their Lordships, he would, without detaining them with any further argument, put the next Motion in a similar form to the last.

Then it was *moved* not to insist on the Amendments relating to Office and Duties of the Official and Creditors' Assignees, to which the Commons have disagreed.

LORD CHELMSFORD said, it was not his intention to divide their Lordships on this point. It was one of eminent importance to the commercial community; but one on which opinion was more divided than any other. Some desired that the official assignee should have absolute control over the administration of the bankrupt's estate; others that the creditors' assignee should be allowed a very considerable authority over it. The official assignees were first appointed by the Bill of Lord Brougham in 1831; and when originally appointed they were officers of great importance. He believed that for many years their time was principally occupied in making creditors' assignees refund the money they had received. He believed that the official assignee would have been popular had it not been that they were paid by a percentage on the value of the estates, and this, of course, was a heavy charge on the assets. The consequence was a desire to give the creditors' assignees increased powers. He had given much consideration to this matter; and he had come to the conclusion that it was desirable, as much as possible, to facilitate arrangements out of Court. That was done by this Bill. But when parties were brought into the Bankrupt Court he thought it necessary there should be some controlling authority. There was a strong opinion in the mercantile world in favour of the creditors' assignee; and the Bill was originally framed according to that view. At present when a person was declared bankrupt, the whole of the estate vested in the official assignee, who at once commenced the collection of the assets. That duty, he believed, the official assignees had discharged most faithfully. But by the Bill it was proposed to take away a considerable part of the duty they had to perform, and to give the creditors' assignees more power than they possessed at present. The mode resorted to was this—when a creditors' assignee was appointed the estate originally vested in the official assignee became vested in the creditors' and the official assignee jointly. It was now proposed that the estate vested in the official assignee at the time of the declaration of bankruptcy, when the creditors' assignee is appointed shall become vested in the creditors' assignee solely. There would be considerable inconvenience in this bandying about of the bankrupt estate, and some of the clauses, he thought, could not possibly work. As to the provision that the creditors' assignee, when appointed, should "forthwith" make a return of the debts and assets of the estate, to make a balance-sheet of a large concern might require weeks, or even months; and to enable the assignee to begin to collect the debts at the same time it would be necessary to have two sets of books, one for the creditors, the other for the official assignee. This was impossible. He thought the official assignee should be the principal administrator of the bankrupt's estate; but opinion was divided on the point, and he did not think the question was so completely settled as to justify them in resisting the desire of the House of Commons by insisting on their own Amendments.

THE LORD CHANCELLOR said, he thought their Lordships would agree with him that the most prudent course in reference to a Bill relating to the interests of the public, would be to leave the question to the decision of the trading community itself. The official assignee was introduced into the administration of the bankrupt law in order to secure the proper realization and distribution of the assets. That remedy, however, went beyond what was necessary. The proper function of the official assignee, in his opinion, was to act as an auditor and check on the creditors' assignee's accounts. As to the appellate jurisdiction, by the 75th Clause it was provided that if no appeal were presented within twenty-eight days from the date of the decision of the Court, such decision or order should be considered to be final; but the clause regarding appeal depended upon the enactment in Clause 244, which declared that all Acts, or parts of Acts, inconsistent with the above provision should be repealed.

LORD CRANWORTH: I am at issue with my noble and learned Friend, and say that the existing appeal is not repealed by those clauses.

On Question, Whether to insist?

Resolved in the *Negative*.

LORD CHELMSFORD said, that the 118th Clause of the original Bill gave a discretion to a majority of the creditors as to whether anything or nothing should be allowed to the bankrupt out of his estate until he passed his last examination. This power their Lordships had amended, giving this power to the Court. The Commons, however, had rejected their Lordships' Amendment. He thought it would be unfair to leave the bankrupt so completely at the mercy of his creditors, who might be influenced by angry feelings towards him, to deprive him of the smallest means of support.

EARL GRANVILLE said, the property belonged to the creditors, and not to the bankrupt. It was, therefore, only fair that they should have the option in this matter.

The LORD CHANCELLOR thought that this matter were better left to the creditors.

Then it was *moved* not to insist on the remaining Amendments to which the Commons have disagreed.

Lord KINGSDOWN said, there was one Amendment on which he thought their Lordships should insist. One of the effects of this Bill was to abolish the distinction which had hitherto existed between traders and non-traders. He did not want to go into a discussion on the propriety of establishing such a principle as that, but he wished to direct their Lordships' attention to what might occur if the clause stood as it had left the Commons. In abolishing this distinction their Lordships had introduced a qualification which he thought a very just one. Immediately on the declaration of bankruptcy, the whole estate of the bankrupt was to be sold. Their Lordships' Amendment provided that the reversionary interests of the son of a tenant for life should not be sold without the consent of the Judge. It was evident that the greatest hardship would be worked by a strict application of the rule. The value of such a reversion had been valued by actuaries at no more than two and a half years' purchase.

The LORD CHANCELLOR said, these interests were at present saleable in the Insolvent Court. But he was willing to agree, if it would meet the objection of his noble and learned Friend, that the sale of the reversionary interest ought not to take place without the consent of the Judge.

The Earl of DERBY saw no objection to the proposed modification, but doubted whether it was competent to their Lordships to amend a clause which they had already sent down to the House of Commons, and which was objected to by them.

The LORD CHANCELLOR thought that the provisions of the Bill would be found to be sufficient as they stood.

Lord WENSLEYDALE objected to the clause permitting the employment of a shorthand writer.

The LORD CHANCELLOR thought that the employment of a shorthand writer would in many cases be found both convenient and economical. Shorthand writers were employed when their Lordships were sitting on judicial business, and without their assistance cross-examination would be difficult—almost impossible.

On Question, Whether to insist? *Resolved* in the *Negative*.

The LORD CHANCELLOR informed their Lordships that the Bill had come from the House of Commons with some additional Amendments which had been made by that House. Those Amendments were all of them, he thought, either verbal or in harmony with the Amendments which had been made by their Lordships.

Then it was *moved* to agree to the additional Amendments made by the Commons.

Motion *agreed to*.

The Earl of DERBY belived that, according to the forms of the House, it was necessary that a Committee should be appointed to prepare a statement of the Reasons why their Lordships insisted on their Amendments, and moved accordingly.

Motion *agreed to*.

Committee appointed to prepare Reasons to be offered to the Commons for the Lords insisting on certain of their Amendments to the said Bill to which the Commons disagree; the Committee to meet on *Monday* next, at half-past Four o'clock.

PAROCHIAL AND BURGH SCHOOLS (SCOTLAND) BILL.

Order of the Day for the House to be put into a Committee, read.

The Duke of ARGYLL begged to repeat what he stated on the last occasion, that the Bill was a compromise, and if either of the two Amendments which had been suggested were agreed to, he should feel himself compelled to abandon it altogether. The salaries of schoolmasters in Scotland were notoriously insufficient, and there was no provision for their retirement. There was a nominal discipline, but the powers of the authorities were practically nugatory. On the whole he admitted that the education of the country had been tolerably satisfactory; but it was impossible to shut one's eyes to the changed circumstances of the times. The amount of religious division had unhappily become such that it was impossible to procure the assent of the other House to the alterations which were required, unless the schools gave up something of their exclusive character. The compromise which had been agreed upon was to abolish the exclusive test, but to retain a declaration which was in conformity with the opinions of all the Presbyterian bodies in Scotland. His noble Friend (the Earl of Minto) said that this was only giving up one test for the sake of substituting another. Formerly, the test consisted in signing the Confession of Faith, which contained articles on the subject of civil government; whereas the Shorter Catechism which was to be substituted for it was a purely religious document. His noble Friend seemed to argue that if they had a test at all, the more absurd it was made the better, and on that ground he preferred the old test to the new one. Perhaps that was the meaning of his noble Friend; but he felt certain that their Lordships would prefer a test that was as moderate and reasonable as possible. What was now proposed was merely that the schoolmaster should sign a declaration that he was willing to give moral and religious education in conformity with the Shorter Catechism, a document which was received by almost every ecclesiastical body in Scotland except the Roman Catholics and the Episcopalians. The measure was generally approved by the heritors, on whom the increased taxation would fall. It must be recollected that an extensive system of schools in connection with the Privy Council had sprung up; and as these were in many cases better than the national schools, they were running them very hard, and, in some cases, beating them on their own ground; but he appealed to their Lordships to pass a Bill which would tend to put a stop to a rivalry so wasteful and so absurd.

Moved, That the House do now resolve itself into a Committee on the said Bill.

Lord KINNAIRD should like to know how the compromise referred to by the noble Duke had been brought about. The truth was, Members of the other House had been threatened with a more stringent measure unless they agreed to the present. He denied also the noble Duke's assertion that the heritors were in favour of the measure. It was said that the House of Commons would not agree to any Bill which did not destroy the Church of Scotland. But they had never been tried. His own opinion was that the present Government with the aid of the party opposite could carry a very different measure. He (Lord Kinnaird) was not a member of the Church of Scotland, but of the Church of England; and he thought that members of the latter body ought not to stand by and see an attempt like the present made upon a sister Establishment.

The Earl of MINTO moved an Amendment, to leave out from ("the") to the end of the Motion, and insert ("shorter catechism, referred to in the Bill, be laid upon the Table of the House.")

Earl GRANVILLE hoped the Amendment would not be pressed, as it might endanger the progress of the measure.

On Question, *Resolved* in the *Negative.*

Then the Original Motion was *agreed to.*

House in Committee accordingly.

Clauses 1 to 11 *agreed to.*

Clause 12 (Parochial Schoolmasters not to be required to sign Confessions of Faith or Formula, but to make a Declaration and to undertake to conform to the Shorter Catechism),

The Earl of MINTO moved to omit the new Declaration.

The Duke of ARGYLL opposed the Amendment; and, after some discussion,

Amendment *negatived.*

On Question, Whether the said Clause shall stand Part of the Bill? Their Lordships *divided:*—Contents 37; Not-Contents 28: Majority 9.

Resolved in the *Affirmative.*

Report of the Amendments to be received on *Monday* next.

House adjourned at a quarter past One o'clock, A.M., to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 26, 1861.

Minutes.] New Writ Issued.—For Tamworth, *v.* the Right hon. Sir Robert Peel, baronet, Chief Secretary to the Lord Lieutenant of Ireland.

Public Bills.—1° Metropolitan Police District Receiver; East India Loan (No. 2).

3° Lace Factories; Inland Revenue; Stamp Duties on Probates, &c.; Public Works (Ireland).

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee (Supply) read.

House in Committee.

Mr. Massey in the Chair.

(In the Committee.)

(1.) £669,956, to complete the sum for the Packet Service.

Sir HENRY WILLOUGHBY said, the Vote was certainly less than it was on the preceding year, but still it was an enormous tax on the people of the country, and he wished to know whether there was any prospect of it being reduced. The traffic between England and America had increased so largely that he believed companies would be willing to carry the mails without any subsidy, and he wished to know what the Government intended to do to give effect to the recommendations of the Committee who had sat on this subject.

Mr. PEEL said, the Vote was less this year than last, on account of the contributions which had been received from the colonies. Part of the expense of the conveyance of the mails from Ceylon to Sydney was to be contributed by the colonies; and the colony of Mauritius had decided to bear the whole of the expense for carrying the mails from Suez to Mauritius. No doubt the recommendations of the Committee were entitled to the best consideration of the Government. But the sum then asked for was in respect of contracts concluded with companies. As they terminated, arrangements would be made for giving effect to the Report of the Committee.

Mr. W. WILLIAMS reminded the House that the American Government had their mails carried by private packets without any expense. He wished to know what had become of the Estimate for the Galway contract.

Mr. PEEL said, the arrangement made by the American Government was that the packets carrying the American mails should receive the postage due upon those mails. The Galway contract having been terminated by the Postmaster General, no provision for that contract was any longer called for, but, should it be decided to re-establish a postal service between the west coast of Ireland and America, it would be for the Government to propose a Vote for that purpose.

Colonel FRENCH said, he did not understand that the Galway contract was at an end. His hon. Friend the Member for Galway (Mr. Gregory) was about to put a question on the subject of intercourse between Ireland and America that evening, to which he hoped the noble Viscount the Prime Minister would give a favourable answer.

Mr. PEEL said, that he did not mean to say that a new service might not be established.

Vote *agreed to.*

(2.) £1,000,000, China War.

Sir Henry Willoughby

Mr. PEEL said, that the Vote was a Vote of Credit for necessary expenses connected with the China War. The Chancellor of the Exchequer had stated to the House that he would propose this Vote, and they would recollect that provision was made for it in the service of the year, which provision had received the sanction of the House. There had been in all three Votes of Credit for the China War, the first of £850,000 in 1859-60, the second of £3,350,000 for 1860-1, and the present Vote. With respect to the Vote of 1859-60, half a million was for the army, and a quarter of a million for the navy; but it was found that the ordinary provision made for the navy was sufficient for all naval purposes, and so the quarter of a million remained in the Exchequer. The army expenditure had exceeded the grants for the year, and, therefore, a further sum of £105,000 was issued, leaving therefore the available surplus on the Vote of a quarter of a million. With regard to the Vote last year half a million was issued to the navy and £350,000 to the army, and there had been a further issue for commissariat services in China of £1,083,000, and to the Indian Government of £1,146,000. The balance in the Exchequer, however, could only be used for expenses incurred during the year for which it was voted. The sum of £1,000,000 was, therefore, asked to meet the expenditure of the forces in China for the present year. Extra allowances were required for the European troops, and, as it was doubtful how long they might require to remain there the present Vote became necessary. The claims from the Indian Government amounted to £1,327,000 up to the 1st of May last, and they had issued to that Government on account a sum of £114,000 out of the Vote of Credit under consideration, leaving a balance due to that Government of £170,000. In case it should prove possible to return the Native troops to India, the extra allowances to European troops would cease, and the necessity for the extra expenditure would be superseded. At the same time, it was necessary to make this provision; which, however, by no means indicated that an extra expenditure to that amount would be incurred.

Sir HENRY WILLOUGHBY said, he felt some doubts as to whether the £1,000,000 which the Committee were asked to vote on account of the China War, was the last call that would be made upon them. He did not clearly understand from the right hon.

Gentleman what was the balance in hand on the Vote of Credit. Out of the early Vote of Credit taken for the China War payments were made for stores which were sent out to China as far back as 1848, and he should like to have explained upon what principle any portion of a Vote of Credit taken for the China War could be applied to the payment of stores sent out previous to the war. Nearly six millions of money had been taken in the shape of Votes and Credit for the China War, in addition to the ordinary expenses paid out of the money taken for the ordinary army and naval services. Could the right hon. Gentleman give the Committee an assurance that the £1,000,000 he now asked for would cover the entire expenditure on account of China? Until the accounts were squared and the final payments were made they could not be satisfied. He should like to know whether the expense incurred for the transport of troops to China by the Indian Government had been sent into the Treasury or not. He was informed that a single item of expense amounted to nearly £850,000 for conveying troops from India to China. He would also express a hope that better arrangements would be made with regard to our accounts with India, otherwise British finance would fall into the utmost disorder. For seven years there had been a sort of running account with India, and no one knew what would be the end of it. He was afraid they were going on very much in the dark in this matter. As long as there were old and unadjusted accounts for years they could have no notion in that House how the British finances really stood. As long as those accounts were outstanding it was ridiculous to talk of a surplus, or raise questions respecting the repeal of taxes.

THE CHANCELLOR OF THE EXCHEQUER said, he must admit that the China war had been a very costly War; but, on the other hand, the sufficiency of the provision had brought the war to the more speedy termination. There was a balance in hand from the late Votes of Credit to the extent of £750,000; but he doubted whether that sum could be spent in operations undertaken after the Vote itself was granted, and hence the present application for the present sum. As to the charge for transport, it might be true that such a charge had been sent home to the Indian Office, but it did not follow that we had that sum to pay. As one instance of the vagueness of the Indian Estimates, he might mention that the Indian Government had sent home charges for operations which had already been settled at home by the Admiralty through a different channel. The charges for China during the present year would be chiefly under two heads—for the charge for transport and the charge for extra pay and allowances to the troops, which must be paid to the whole army as long as any portion of the Indian army remained there. He hoped, however, that would not be long if the instructions sent from home were strictly followed out. He did not think that the state of our account with India was likely to prove very formidable to British finance. He knew that two or three months ago the balance was rather in favour of England; if any charge had take place since, it was amply covered by the Vote before the Committee. He could not say that this was the whole of the accounts that had come from China, but he did not anticipate any further large sum to be asked from that source.

SIR STAFFORD NORTHCOTE: Am I to understand that we are to save £750,000 out of the last Vote of Credit for 1860-1?

THE CHANCELLOR OF THE EXCHEQUER said, a great many troops have left China. If they left before the 30th of April the expense of their transport would fall on the £750,000 standing from last year. If they left after that date the expense would fall on the million now granted.

SIR STAFFORD NORTHCOTE: But the expense will not fall upon both years. If it is taken from the sum of £750,000, then the Vote for this year will be retained?

THE CHANCELLOR OF THE EXCHEQUER: Certainly. The expense cannot fall on the Vote of both years.

SIR HENRY WILLOUGHBY said, he thought the explanation was satisfactory as far as it went.

COLONEL SYKES said, if they declined to interfere as they were doing in China, between the two parties in that country, there would not be any necessity to keep so many troops in China—which was a great charge on the British taxpayers.

MR. GREGSON asked in what position the claims of the merchants in China stood, and what portion of the Vote the Government intended to appropriate to that purpose? Or were other arrangements in view for an immediate or speedy settlement of these claims?

THE CHANCELLOR OF THE EXCHEQUER said, that no part of the Vote could be applied to the payment of the claims of the merchants. He had received the papers respecting those claims, and as soon as the pressure of business would permit, he hoped to be able, with his noble Friend the Foreign Secretary, to look into these claims. The subject was a very important one, and one in which the Government should do all they could to meet the reasonable demands of the merchants, consistently with the fair claims of the public.

SIR LAWRENCE PALK asked whether the million then asked for was in addition to the balance on the former Votes of £750,000?

THE CHANCELLOR OF THE EXCHEQUER said, it was difficult in military operations to apportion the sums voted in different years very accurately. If the balance of the Vote of Credit of £750,000 for last year was not expended, the sum would lapse entirely, and remain only in figures. But to meet all contingencies that might arise a million was asked for the year 1861-2.

Vote *agreed to.*

(3.) £53,430 15*s.* 10*d.*, War with Russia (Excess of Expenditure).

MR. PEEL explained that the Vote was asked on account of part of a sum of £115,000, arising out of claims and counter claims between the French and English Governments. The amount had been included in a Vote of Credit granted in 1858-9, but that Vote of Credit was surrendered, and the Vote was now necessary, in order that the sum might be transferred to the charge against the Vote of Credit. It involved a reduction of the excess of expenditure for the Russian War. He believed this would be the last of the Votes for the Russian War.

MR. HENLEY said, he wished to ask, whether the right hon. Gentleman was quite sure that the Vote would cover the whole outstanding amount for the Russian War?

MR. PEEL: Yes.

Vote *agreed to.*

(4.) £17,933 11*s.* 10*d.*, Revenue Departments (Excess of Expenditure).

MR. PEEL said, the sum was asked for the payment of those pensions which had been granted in consequence of the reduction of the establishments. There had been a saving on the effective establishment of £78,000, which had been returned to the Exchequer.

Mr. Gregson

SIR HENRY WILLOUGHBY said, that he believed the Chancellor of the Exchequer in his financial statement had anticipated a saving in these departments of £150,000. It seemed that the whole saving was only £78,000. He wished to know if that £17,983 was to be deducted from the £78,000.

MR. PEEL said, that the saving of £78,000 only represented that which had taken place in the year after the changes were made. There was no doubt the saving in the end would be as large as had been anticipated.

Vote *agreed to.*

(5.) £1,000, Poonah Observatory.

MR. AUGUSTUS SMITH asked, why the sum asked for was not charged to the Revenues of India?

MR. PEEL said, the Vote was in consequence of a liberal offer made by a scientific gentleman at Madras to erect a telescope at Poonah, and make observations free of charge, if the Government would send out the instrument.

MR. HENLEY said, he hoped the Vote would not be considered as laying the foundation for further such charges, either at Poonah or anywhere else.

Vote *agreed to.*

(6.) £60,692, New Westminster Bridge.

SIR JOHN SHELLEY said, he hoped some explanation would be given of this Vote by the right hon. Gentleman the Chief Commissioner of Works. There had been great mismanagement in the arrangements for constructing Westminster Bridge, and much time and money had been misspent. Mr. Page told them that the works would be completed for £206,000. He wished to know why they were now called upon to pay the sum of £60,000?

MR. COWPER said, the expense and loss of time incurred in the construction of Westminster Bridge were, to a considerable extent, to be traced to the fact that the bridge had been the subject of three Committees of the House of Commons. If there was any opprobrium connected with the construction of the bridge it was to be attributed not solely to the Office of Works, but must be shared by a Select Committee of that House. He believed that if the bridge had been left to the sole responsibility of the Office of Works, it would have been completed long ago, and within the sum originally stated. When the bankruptcy of the contractor caused a suspension of operations, a question as to the soundness of the plan of the foundations was referred to a Committee which reported in favour of a new mode of construction, superseding the use of coffer dams. In 1857 another Committee was appointed, and it was to that Committee he attributed the want of control on the part of the Office of Works over the expenditure and construction of the bridge. That Committee recommended that the works should be proceeded with by day work as recommended by Mr. Page and under his superintendence. The consequence was that the chief part of the works were being constructed without a contract. He knew of no security for the completion of a great work for an agreed sum, except a contract in gross. But in this instance the engineer was substituted for a contractor, and there was little control of the works at the bridge. The estimate made by Mr. Page was made in 1858, and the explanation of the additional Vote asked for was that the removal of the old bridge cost more than Mr. Page anticipated. It was a very difficult and complicated work to remove piers under water, and it was not easy to foresee the exact expense. Then the very mode of construction, which was so ingenious in its conception, led to an increase in the expenditure. A great deal of the expense had been caused by keeping open the old bridge during the construction of the first part of the new. A portion of the money voted would be met by credits from the old bridge, for it was anticipated that about £23,000 would be realized by the sale of stone, plant, &c. He must say that the only two works in which a great excess of expenditure had occurred were the Westminster Bridge and the Houses of Parliament; and those were the very works in which the Office of Works had not been entrusted with the entire management, but where a great deal of the details had been carried out by direction of Committees of that House.

MR. HENLEY said, the right hon. Gentleman had, no doubt unintentionally, entirely misrepresented the facts of the case with reference to Westminster Bridge. The right hon. Gentleman had mixed up the consideration of two things totally distinct from each other—the building of the new Houses of Parliament and Westminster Bridge. The two things were as different as chalk from cheese. The right hon. Gentleman laid down the broad proposition that all the mischief connected with the erection of Westminster Bridge had been caused by a Committee of that House, and not by the Office of Works. It was when Sir William Molesworth was at the Board of Works that the works at the bridge commenced. The new principle of bridge-building was provided for in the first instance in a contract entered into by the Office of Works, and the right hon. Gentleman had no right to allege that the House of Commons had anything to do with it. On the failure of the contractor the Commissioner of Works came to the House and asked for a Committee to relieve himself of the responsibility of making the changes which he wished to introduce. That could not with any fairness be called an interference of the House of Commons. He (Mr. Henley) was chairman of that Committee, and they had before them all the engineering talent and experience of the day. The Office of Works had already decided that half the bridge was to be built at one time, and the other half at another; but the Commissioner of Works had doubted if the old system of coffer dams should not be resorted to. The Committee recommended that the bridge should be proceeded with on the system then in operation, and it was then open to the Commissioner to enter into a contract if he so chose. On that point the Committee gave no opinion. In the following year another Committee was appointed. It was then decided that that half of the bridge which had been already begun should be completed under the engineer's direction, and not by contract. There was nothing, however, to prevent the Board of Works from contracting for the other half, and the blame, therefore, rested upon that department. As to the new principle upon which the bridge was constructed, there had, so far, been no symptom of giving way. He admitted that it was a great experiment to build a bridge over such a river without coffer dams, to build it in halves and then bring those two halves together; but if such works could be carried on they would be completed at an infinitely less expense than under the old system. Though there was an excess of £60,000, he believed that the bridge, when completed, would compare advantageously as to cost with Waterloo Bridge and similar structures.

SIR JOHN SHELLEY explained that the way in which Lord Llanover intended to carry out the building of the second part of the bridge was by calling regularly for the accounts from Mr. Page, and exercising a strict supervision of the various details of expenditure.

Sir JAMES GRAHAM asked whether, in the absence of a contract, Mr. Page was to be paid by commission, and if so, whether he was to have a percentage upon the excess expenditure of £60,000?

Mr. COWPER said, that Mr. Page was paid by commission. The Board of Works, however, maintained that that commission was to be upon the estimate, and not upon the excess; while Mr. Page contended that he was entitled to a percentage on the £60,000. The point was not yet decided. On the general question he must not be understood as wishing to blame the House of Commons, but he still thought that the injudicious principle of employing the engineer without a contractor to construct the bridge originated with the Committee. It was true that their recommendations applied only to the first half, but he assumed that his noble Friend (Lord Llanover) who was then Commissioner, and was a member of the Committee, was influenced by the opinion of the Committee to entrust Mr. Page with the construction of the second half without the limit to expenditure which a lump contract alone could give. He thought also that he was justified in his reference to the Houses of Parliament, because it resembled the case of the bridge in this respect, that both works were executed without having a contract in gross.

Mr. HENLEY said, the Office of Works ought to have ascertained, when the first half of the bridge was completed, whether Mr. Page had kept within the proportion of the Estimate; if not, the office ought to have insisted on a contract.

Sir HENRY WILLOUGHBY said, he had never felt any doubt that they would get into a financial mess in the matter. He did not wonder at the difficulty of meeting with a new contractor after the failure of the first one, on account of the half-finished state of the works. There was a very good estate belonging to Westminster Bridge of the annual value of upwards of £7,000, and worth a capital sum of £171,000. The original estimate of Mr. Mare was £206,248. Mr. Page thought it would be completed for £316,000, and there had been an excess of £60,000. Would £377,828 conclude the matter? The principle of recompensing Mr. Page by a commission was a most vicious one, and was the old case of Sir Charles Barry over again.

Sir MORTON PETO said, he could understand why when the contract for the first part failed it should be finished without a contract, but a grievous mistake was made when it was determined to complete the second part of the bridge by day work, for that was what it ought to be called. The proper course would have been to have instructed Mr. Page to obtain contracts from houses of solidity, to get him to report upon those contracts, and if Mr. Page would have undertaken to complete the bridge at a less cost it would be for the Chief Commissioner to say whether he would have accepted Mr. Page's offer. The Chief Commissioner could not say that the £60,000 asked for would be the last sum that would be required, nor did he (Sir Morton Peto) believe that Mr. Page himself had any conception of it. He did not throw any blame on Mr. Page; his character stood high, and his works were all favourably executed, and he believed the bridge would be after all more cheaply finished than other bridges of similar extent. But the fault, if fault there were, lay with the Office of Works, and the right hon. Gentleman must not throw it on the House.

Mr. T. J. MILLER remarked that some of the hon. Gentlemen who had spoken were members of the Committee, and it was to them a matter of notoriety that a portion of the bridge was to be erected without a contract; and it would be more just to the Commissioner of Works if they had gone to the House and given warning before the harm was done, instead of complaining of it on the present occasion. He wanted to know whether anything was likely to be recovered from the sureties of Messrs. Mare. As to the bridge itself, he believed it would be the finest ever erected. They were indebted to the Committees that had been so much blamed for obtaining a bridge double the width of the other bridges on the Thames, and at two-thirds of the ordinary expense of stone bridges.

Mr. COWPER said, it had been found impossible to recover any money from the assignees of Mr. Mare. As to the future expense he could only say that the estimate before the Committee was the estimate prepared by Mr. Page. Application had been made to a great contractor to contract for the completion of the remaining half of the bridge; but he had very fairly stated that in the present advanced stage of the work it would be cheaper to finish the work as it had been begun.

Mr. SPOONER remarked that the right hon. Gentleman had mistaken the question addressed to him by the hon. Member (Mr. Miller). That hon. Member did not speak of the assignees of the original contractor but of his sureties, and he (Mr. Spooner) now begged to ask if any amount had been recovered from the sureties of the original contractor. He (Mr. Spooner) also wished to know if anything was left of the Westminster Bridge Estate?

Mr. COWPER said, he meant to say that it was found impossible to recover from the sureties as well as from the assignees the money they were entitled to demand. The estate was valued at £111,000. It consisted of the north side of Bridge Street, and other houses. The site would much increase in value when the houses on the south side were removed, and if not required for public buildings it would be disposed of by the Government when it reached its full value.

Mr. VANCE said, he did not grudge the expenditure on Westminster Bridge, which was a great metropolitan improvement; but he wished to remind the right hon. Gentleman that the people of Dublin had suffered for a long time from the want of a new bridge, in place of that which was called after an ancestor of the present Lord Lieutenant.

Vote *agreed to.*

SUPPLY—NAVY ESTIMATES.

Motion made, and Question proposed,

> "That a sum, not exceeding £250,000, be granted to Her Majesty, to defray the expense of Building Iron Ships by Contract, and of the Plating and Engines for five Wooden Ships, which will come in course of payment during the year ending on the 31st day of March, 1862."

Lord CLARENCE PAGET: I am anxious to afford the Committee some explanation of the Vote which I have now to propose of £250,000 in addition to the ordinary Estimates. It will be remembered that we have had various discussions respecting this most important subject. Since we framed our Estimates of iron-cased ships in December last other nations have very largely added to their iron-clad navy. It was consequently my duty in May last to state that the Government had resolved upon building five more wooden iron-cased ships in our dockyards; but that that of itself could entail no increase on the ordinary Estimates of the year beyond expense of plating and partly providing engines for these wooden ships, but that it would probably be necessary that still further exertion should be made in order to keep pace with foreign Powers. Sir, this Estimate has reference to three distinct items. First, it is proposed to commence the construction of more iron-cased ships by contract. That item amounts to £120,000. The second item is for the plating required for the five wooden ships which I have already mentioned; and, thirdly, we ask for an additional sum towards the expenses of engines for those wooden ships. As to the proposed iron-cased ships, I trust that the intention of the Government to ask for an additional grant for this purpose will create no alarm, because we merely propose now to do, under the sanction of Parliament, that which we have actually being doing during the last three years in the recess without the sanction of Parliament. The Committee will remember that the late Government proposed to build two iron-cased ships of the *Warrior* class. One of those ships was ordered by them just before they left office, and the other by the present Government. In the autumn of that year (1859) we learnt that other nations were making great progress in the construction of these ships, and the Admiralty thought it their duty, without waiting for the sanction of Parliament, to ask the consent of the Treasury to the immediate commencement of two more iron-cased ships. That made two of the *Warrior* class in course of construction and two of the *Defence* class, the latter being of considerably smaller dimensions. These four vessels are now nearly ready, and we trust that the *Warrior* will be at sea in a very short period. In the course of the next autumn, 1860, the Government again received communications as to the progress made by foreign nations, and thought it was incumbent on them a second time, without Parliamentary sanction, to commence the construction of two more of these vessels, larger than the *Defence*, but smaller than the *Warrior*. These vessels will be ready in the course of the next year, and make six in progress. During the present year the Government have commenced the construction of a ship of the *Warrior* class at Chatham, making the seventh iron-cased ship, and in May last I also announced to the House, as I have just stated, that it was the intention of the Government to make use of the wooden frames of line-of-battle ships under construction which would enable us to construct five wooden iron-cased ships in the dockyards. That makes a total of twelve which are now in course of construction in the dockyards, or being built by contract. My right hon. Friend opposite (Sir John Pakington) about the latter end of May, called attention to the great increase which was taking place in the construction of iron-cased ships by France, and quoted statements made by a gallant Admiral, who had visited the French dockyards, and had reported that ten new iron-cased ships were being built over and above those already completed. In answer to my right hon. Friend, I stated that the Government were perfectly aware of what was going on not only in France, but in various Continental dockyards, and were carrying out a series of experiments under the control of a Committee, composed of very able men, with a view to ascertain what is the best form of construction. I, also, stated that as soon as we had arrived at some sort of conclusion the Government would, if necessary, state what they thought was requisite for the public service. These experiments have made very considerable progress, and, though I am unable to state that any definite conclusions are arrived at as to the nature, the thickness, and the exact style of casing, we have, nevertheless, decided, first, that it is advisable to have very large ships, carrying great weight; secondly, that under these circumstances it is desirable that those ships should be built of iron; and, thirdly, that, as we have very great facilities in the merchant yards throughout this country these ships should be built by contract. I am, therefore, going to invite the Committee to place confidence in the Government, and authorize us to commence the construction of a certain number of these vessels by contract during the recess when we have prepared the drawings, and have come to a definite conclusion as to size, armament, and various other particulars. The item of £120,000 will enable us either to commence six ships, and thus provide for one-tenth of the cost of six ships, or, if is thought more advisable, to make greater progess with a fewer number, in which case we shall have provided during the present year one-fifth of the cost of three ships. What I ask the Committee is, to leave it to the discretion of the Government either to commence the whole number of six ships and proceed at a very slow rate, or commence the construction of a smaller number, making greater progress with them. The course which may be taken by the Government will depend upon a variety of circumstances, and I am not prepared at the present moment to say which plan would be the more advisable. Of course, much must depend upon the progress which other nations are making in building iron-cased ships. I have before me a list which I can read to the Committee if they wish, showing the number of iron-cased ships building by Continental nations, and that number is increasing very rapidly. It is the duty of the Government of this country that we should keep pace with such efforts, and, therefore, the proposal I have to make is that we should be empowered to commence by contract during the present autumn not more than six of these ships, leaving us either to make a greater progress with a smaller number, or to proceed very slowly with the whole six. Supposing we commence the whole six, we should then have under construction eighteen iron-cased ships; and these vessels, as far as we are at present advised, will be certainly not less in tonnage and armament than the *Warrior* class. A good deal must depend upon the trials which will be made of that vessel. I need not say that great care will be taken by the Admiralty to watch the performance of the *Warrior*, and I have great confidence that she will turn out a very fine and formidable vessel. I have stated what is the proposed expenditure during the present year, and I will now state what will be the ultimate expenditure upon all iron-cased ships. The Committee will then see that, however necessary they may be, these vessels are very costly. If the Government are empowered to commence six more iron-cased ships, you will have, of course, a further expenditure to complete them during future years. This expenditure may be spread over several years, and, indeed, it is only proposed to make such progress during the present year as will enable the Government to profit by the result of the experiments which are going on daily at Shoeburyness, and to modify, if necessary, the present system of iron-casing whether by a smaller backing of wood and thicker plates or by doing away with wooden backing altogether and devoting the weight to iron-casing, or to take advantage of these experiments in other ways. Our progress with these vessels during the present year will not be so great but that we shall be able to introduce any modifications which may be thought desirable after the experiments are concluded. Including the sum which is required this year, and including also the plating for the five wooden ships, and a sum which will about complete the expense of engines for the wooden ships, the total cost of these vessels will be £2,340,810, leaving to be provided during future years the sum of £2,090,810 as near as we can at present calculate. We have taken a large sum as the Committee is aware in the present year's Estimates for the other iron-cased ships, and over and above that outlay there will be required for those ships in future years the sum of £114,441, so that the whole cost to the country for iron-cased vessels, beyond the present year's Estimates, may be estimated at £2,455,251. That includes the casing of the wooden ships which are building in the dockyards, but exclusive of the workmanship on the iron ship *Achilles*, which is building at Chatham dockyard; and, supposing the Committee assent to the present proposal, this is the sum for which they will render the country liable in future years. Before sitting down I cannot help saying a few words respecting the alarm which may be created among the mercantile community in consequence of the additional force which we are about to create. It is no use denying that the whole world is commencing the construction of these ships. Every maritime nation has completely given up the thought of building wooden line-of-battle ships, and, I think, therefore, that the proposal which I have just submitted to the Committee is not of a nature to excite alarm throughout the country, but rather to engender a proper confidence, that we are determined to maintain our maritime position in its integrity.

Mr. HENLEY said, he thought that the discussion ought not to go on. The notice of Supply was only given at two o'clock that morning, and there was not the least intimation in the paper that the sum of £250,000 would involve so large an ultimate expenditure as £2,500,000. So important a Vote ought not to be proposed in so thin a House, and he would, therefore, suggest its postponement till the evening sitting.

Lord HARRY VANE said, he quite agreed that the House could not have anticipated the precise proposition that had been made; but at the same time no great delay should be interposed at that period of the Session. He admitted, however, that it was desirable to postpone until the evening the consideration of the Vote. He thought that the noble Lord had rather exaggerated the possibility of alarm among the mercantile classes from the proposal which he had just made. On the contrary, the proposal would rather appease than excite alarm. The public well knew what was going on in different parts of the world, and especially in a neighbouring country. It would be ridiculous affectation on the part of the House to ignore that, and they would be neglecting their duty if they did not make provision for such a state of things. He thought it absolutely necessary to confide certain powers to the Executive in such cases, but doubted whether what was proposed ought not to be finished out of hand as soon as possible instead of delaying for so long a period that reconstruction of the navy which was so imperatively required.

Sir MORTON PETO said, he regretted that a proposal of such importance should have been left to so late a period of the Session. The Committee would remember the earnest endeavours made by his hon. Friend (Mr. Lindsay) to prevent further expenditure in the construction of wooden ships, and it was satisfactory to find the noble Lord admitting now that the navy must be reconstructed as an iron navy. He could assure the noble Lord that there would be no alarm among mercantile men at the proposition, but only a feeling of deep regret that the French Government had been allowed to take so far-seeing and practical a view as to the necessity for iron-cased ships, while Her Majesty's Government had fallen so far behind. It had been stated, without contradiction, that since 1858 the French Government had not spent a shilling on a wooden vessel, whereas this country had spent £3,000,000 or £4,000,000. Surely we had gained the same experience as the French Government during the Crimean War, and must have known that wooden ships attacked with the new projectiles would be on fire in a few minutes. For his own part he confessed that, instead of regarding the Emperor of the French as one who was plotting against the peace of Europe, he only looked upon him as the chief of a great nation, who, to secure the efficiency of his navy, was taking a course which our own Government ought to have pursued from the beginning. If Her Majesty's Government had only since 1858 quietly studied this subject, and done that which science and practical experience showed to be necessary, there would have been none of these continuous alarms as to what was being done in France. He repeated that there was nothing alarming in the noble Lord's statement, but it reflected great discredit on the Government that at that late period of the Session, when but comparatively few hon. Members were in London, such a statement should be made. The wisest thing which could be done was that the noble Lord, putting aside all the arts of diplomacy and Foreign Office traditions, should during the recess go to France, and endeavour to come to a clear and distinct understanding with the French Government as to the relative forces of the two countries. He could not understand why there should be any greater difficulty in coming to such an understanding than there was in coming to an agreement with respect to the commercial treaty. On the one hand, the Government were endeavouring to encourage commercial intercourse with France, and yet they neglected precautions by which alone the intercourse could be preserved. From what he knew of the character of the French Emperor and the French people, he believed that so far as they were concerned no difficulty would be experienced in arriving at a satisfactory understanding. He denied that the French Government had in their naval preparations done anything which ought to excite the alarm of this country. They had only fulfilled their duty in acting upon the experience acquired in 1858, and upon their conviction that the fleet of the future must be a fleet of iron. The House of Commons would not refuse any request which our own Government declared to be necessary; but as men of business they hoped that during the recess some means would be taken for preventing all uncertainty and alarm, and for putting an end to the game of "beggar my neighbour." A constant intercourse during the last fourteen or fifteen years with French people of all classes led him to know their feelings, and he believed them to be most anxious to cultivate friendly relations with this country. The friendly speeches at the Mansion House the other day had been responded to most heartily across the Channel, and he had received many letters from French correspondents in this sense. The provincial press of France was full of good feeling, and reproduced at length the speeches of the hon. Members for Rochdale and Birmingham. That good feeling ought to be reciprocated in this country, and the best way of reciprocating it was by the endeavour to promote such an understanding as he had mentioned.

Sir JAMES GRAHAM: I must join in the appeals which have been made to the noble Lord not to press this Vote at a morning sitting. It has been said that we need not look for a fuller attendance in this House; but at least we may anticipate another state of the Treasury bench. At present the Government is represented by the noble Lord the Secretary to the Admiralty, the Junior Lord of the Admiralty (Mr. Whitbread), and the Secretary to the Treasury (Mr. Peel). Now, I think such a question ought not to be debated in the absence of the confidential advisers of the Crown. It is impossible to exaggerate the importance of the question under discussion, and I think it especially necessary that the Chancellor of the Exchequer should be present. If I rightly understand the noble Lord, this is to be treated as an extraordinary Vote beyond the ordinary Estimates of the year. A sum of nearly £2,500,000 of capital is expected to be expended on these ships. Now, is this to be included in time of peace in the ordinary Estimates of the year, or is it to be treated as a capital sum beyond the ordinary Estimates? Again, as the noble Lord has deprecated alarm, I cannot help saying that, to use an expression current on the Stock Exchange, the alarm has been already discounted. Whatever alarm has been created resulted from the speech of the noble Lord the Foreign Secretary, when the question of Sardinia was brought forward. It is impossible to separate this question from that of our relations with France and with other countries, and, to use the mildest phrase, I think it altogether unseemly that the Committee should be called upon to pass such a Vote when not one of the confidential advisers of Her Majesty is present, and I am bound to say that the House could not have been aware, until it heard the statement of the noble Lord, that the sum of £250,000, which is now asked for, is only the commencement of an expenditure of £2,500,000 beyond the ordinary expenses for the year. For the sake of decency in our proceedings, I entreat the noble Lord not to press the Vote.

Lord CLARENCE PAGET had no objection to defer the consideration of this Vote till the evening sitting. But he besought the Committee not to run away with the idea that he was suddenly commencing as it were, by stealth, a vast expenditure. [Sir James Graham: £2,500,000.] He had frankly stated the ultimate cost of his proposal, and as long as he held his present office he would never bring forward an estimate without giving to the House a clear explanation, as far as he was enabled to judge, of what would be the ultimate expense to which would pledge itself, supposing that it should agree to the estimate. He, therefore, thought he was rather hardly dealt with when it was said he had taken the Committee by surprise, or had not given fair notice. He could only say that notice was on the paper for two days.

Sir HENRY WILLOUGHBY said, that between 1859–60 and 1860–1 inclusive, the House had voted £1,500,000 for iron-cased ships, and that amount, added to the sum now proposed, would make £4,000,000. He hoped the noble Lord would state on a future occasion how that sum had been expended.

Mr. LINDSAY said, that no sufficient reason had been given for the construction of these six vessels, and the only result would be that France would build six more. Then, the chances were that next Session the House would be told that, France having added six ships to her navy, Her Majesty's Government had, during the recess, ordered the construction of twelve additional vessels. Where was that to end? He admitted that the country ought not to be behind France in her naval force, and that if she had twenty we should have thirty such ships; but from what had come under his observation when in France, he believed that the Government of the Emperor was willing to enter into some such arrangement as that indicated by the hon. Baronet the Member for Finsbury (Sir Morton Peto) respecting the relative amount of the forces of the two countries, and if difficulties existed as to any such arrangement, he was afraid that they originated at home.

Sir JOHN PAKINGTON: Sir, the question before the Committee is rather what we are now to do than where this is to end. The hon. Gentleman says that our naval strength ought to exceed that of France. I was glad to hear such an admission from him, and I hope he will act in that spirit. Sir, I agree in the necessity of postponing the Vote until the House assembles in the evening, but, although the noble Lord's statement has been a surprise to me, I have listened to it with the greatest satisfaction and the warmest approbation, for in submitting this proposal the Government are doing no more than their duty. It is said that ten ships are in progress in France. That statement creates an erroneous impression as to what is going on across the Channel. There is no doubt that at this moment sixteen iron-cased vessels are in progress in France. Moreover, there is no doubt that the French Government are not building them so slowly as my noble Friend seems to contemplate. On the contrary, for some reason or other, the French Government are pressing on the construction of these ships so rapidly as to excite public attention in France, as well as some alarm. I will not enter now into the reasons; I will only dwell on the fact. Meanwhile, what is the position of this country? Until to-day, to set against those sixteen ships, nearly half of which are launched, we only knew that the Government intended to build twelve, of which only seven have been as yet commenced. The Government now propose to build six more, the general result being that when these are begun—and it is doubtful whether that will happen in the present autumn, and whether six or three will be commenced—we shall then only have a prospect of possessing two more of these armour-plated ships than are now actually in progress in France. Under these circumstances I must express my earnest hope that this Vote may not be postponed with any idea of rejecting the proposals made by the Government. These six new ships are to be of the *Warrior* class, and the right hon. Gentleman (Sir James Graham) seems startled by an ultimate expenditure of £2,500,000. But the cost of the *Warrior* and *Black Prince* are well known to the Committee. Multiply that cost by six, and you will have very nearly the amount stated by my noble Friend. I think, therefore, that he deserves credit for his perfect candour to-day. I was struck by the hope expressed by the hon. Members for Finsbury and Sunderland, that we should check this expenditure by entering into some arrangement with France respecting the amount of naval force which the two countries are to maintain. I cannot hear these observations without expressing my strong opinion that any such arrangement is absolutely impossible. In itself, no doubt, it is very specious and plausible, but my firm belief is that if you wanted to lay the foundation of future misunderstandings and quarrels with France you could not adopt a surer course than by entering into such negotiations, and by attempting, as between two powerful nations naturally jealous of each other's influence and power, and in some measure rivals in the exercise of that power, to define in a treaty what should be the number of ships or the relative armaments which they should maintain. Looking to the empire we have to defend, I feel that no such arrangement would be for the interests of England, and that it would be equally dangerous to the future friendship between the two nations. I must also dissent from the opinion expressed that the English Navy hereafter must be an iron navy. That opinion has been frequently expressed in the course of these discussions, and there is a strong tendency in the House to jump to the conclusion—and, as I think, the erroneous conclusion—that, because we have found it necessary to embark in a large expenditure in armour-plated ships, there is necessarily an end to the utility of our wooden vessels. I entertain no such opinion. Considering the extent of our empire, I believe that none of us will live to see the day when our wooden navy will not be most valuable and important to us in all parts of the world, though with a view to possible contingencies in Europe we now find it necessary to embark in this outlay upon an iron navy.

Mr. H. A. BRUCE asked, whether in the sum of £2,500,000 was included the cost of completing the five vessels, as well as the construction of the six proposed to be built?

Lord CLARENCE PAGET said, that the total expenditure, as he had stated, would be £2,500,000, which would include the plating required for the wooden ships, the total expenditure of the six iron-cased vessels proposed to be constructed, and, likewise, the completion of the vessels of that class at present building, with their engines, and also the engines for the wooden ships. The new ships would carry ninety guns each, with a tonnage of about 5,000 tons.

Mr. HENLEY said, he wished to disclaim all intention of opposing the Vote, and at the same time to admit the propriety and candour with which it had been submitted to the Committee by the noble Lord. As regarded the conduct of France, the Emperor always appeared to have acted very candidly, and to have said, "I have nothing to do with you; you may do what you like; but I shall maintain an efficient navy, and that is the best way of preserving peace between the two countries."

Motion, by leave, *withdrawn.*

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *this day*, at Six of the clock.

APPOINTMENT OF INDIAN OFFICERS.
QUESTION.

Colonel SYKES said, he wished to ask the Secretary of State for India, Whether the appointment of Colonel Mollan, C.B., of the 75th Foot, to the command of the 101st Fusiliers (late Bengal 1st Fusiliers), to the prejudice of the claims of local Field Officers of the Bengal Army, has his approval; whether the following appointments in Bengal General Orders of the 20th of May last has his sanction: Brevet Major Gordon, of Her Majesty's 46th Foot, to command the 33d Regiment Native Infantry; Lieutenant Geddes, Her Majesty's 27th Foot, to be Adjutant of the 14th Regiment Native Infantry; Lieutenant A. B. Morgan, Her Majesty's 19th Foot, to be Adjutant of the 42d Regiment Native Infantry; whether those Officers have passed the prescribed tests as Interpreters; whether they are to be seconded in their respective Regiments; and whether those Officers are permanently attached to the Staff Corps?

Sir CHARLES WOOD said, he had received no account of any one of those appointments, and, therefore, he was not able either to sanction or disapprove of them.

CASE OF THOMAS CARTER.—QUESTION.

Mr. HARVEY LEWIS said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to the case of Thomas Carter, who was on Monday, the 15th day of July, brought before Thomas Thorpe Fowke and Le Marchant Thomas, Esqs., at the Ryde Police Court, charged with being a vagrant and sleeping in the open air at Oakfield, and who was committed by those Magistrates to Winchester Gaol for three weeks, and ordered to be kept to hard labour for that period; and, if so, whether he has given, or intends to give, orders for his immediate release.

Sir GEORGE LEWIS: Sir, I do not at this moment hold the seals of the Home Department. I did at the time when a letter was written calling for a report of this case. That letter was written several days ago, and no answer has been received from the magistrates. A letter has been written to-day again calling attention to the subject.

SUPPLY.

On Motion that the House go into Committee of Supply,

SLAVE TRADE.—OBSERVATIONS.

MR. BUXTON said, he rose to call the attention of the Government to the great increase of the Cuban Slave Trade, and the importance of supplementing the exertions of the squadron on the African coast by additional measures for the suppression of that trade. At that period of the Session, and in the then state of the public business, he would not detain the House for many minutes. He was very anxious, however, to submit two or three suggestions to the Government which he believed would be efficacious, if carried out, in greatly diminishing, if not overthrowing, the slave trade. It was no longer matter of question that Africa would afford a boundless amount of cotton if only the slave trade could be put down, so as to enable agriculture and commerce to thrive. Even, therefore, if no higher motives came in, he should feel justified in reverting to that painful subject before the Session closed. The recent accounts of the slave trade were terrible. Too ample proof was afforded by the blue books of the extraordinary activity with which the slave trade was being pushed forward. That lamentable state of things might fill them with discouragement and almost with despair, but the legitimate inference would be that they should reconsider the system on which they were acting, and see whether some further measures could not be adopted which would render their exertions more effectual. The fact was that since the American Government had refused to acknowledge the right of visit the British naval force had been rendered, he would not say useless, because he believed that fourteen slave ships had been captured during the past year, but far less potent than it used to be. He was anxious, therefore, to call the attention of the Government to two or three supplementary measures, which would, he thought, be of great value. One of these was suggested last year by the noble Lord the Secretary for Foreign Affairs himself, though he believed it had not been acted on. It was that an attempt should be made to supplant the slave trade in Cuba by the introduction, under the most stringent precautions, of a free immigation from China and India. That would require the greatest possible care, and it might be thought that experience as to the abominable traffic in Chinese with Cuba ought at once to condemn the suggestion. But the truth was that recently Her Majesty's Government had made great and, he believed, successful exertions to put a stop to the cruelty with which that coolie immigration had formerly been attended. Our authorities in China, in conjunction with the Chinese authorities, had placed the emigration under strict regulations, and it also appeared that in Cuba the Chinese had asserted their independence, and had enforced considerate treatment for themselves. He trusted that the noble Lord (Lord John Russell) would direct Mr. Crauford, the British Commissioner at Havannah, to make strict inquiries on that point, and if it could be shown that humane treatment and fair wages could effectually be secured for Indian and Chinese emigrants, then, by encouraging such an immigration, they would supplant, not only the slave trade, but in the long run slavery itself in the Island of Cuba. Next, he would urge on the Government that, instead of trusting only to cruisers on the sea, they should take steps to break up the slave trade on the African coast itself. He believed that would do even more than the squadron to harass and injure the slave traders, and it could not bring England into collision with any European Government. Now, by the kind of protectorate which England had established along the Gold Coast, and at Accra, and at Lagos, the slave trade had actually been extinguished along what formerly was its very mart and emporium, and which used in fact to be called the Slave Coast. But there was one exception. At Whydah, a port belonging to that execrable ruffian the King of Dahomey, the slave trade was still most prosperous. By the last accounts several slavers with large cargoes had sailed from Whydah. He could not see why they should not use violent measures to put a stop to it at that point. No courtesy surely need be observed with the King of Dahomey. Well, then, going further south, Portugal possessed great dominions along both the west and east coasts of Africa. Her western coast was formerly rife with the slave trade. When Mr. Gabriel, the English Commissioner at Loanda, first went there he saw eighteen slave vessels in one harbour. Since that the slave trade along the whole of the Portuguese West Coast had been utterly extinguished, and the result had been a great development of commerce, to the value, taking exports and imports together, of half a million a year. How had that come about? In great measure owing to the fact that England had had Consuls and Commissioners on that coast who had brought the influence of England to bear on the Portuguese authorities. Meanwhile, however, on the East Coast no such improvement had taken place. The last blue book showed an immense amount of slave trade from Mozambique and the adjoining districts. Now, surely, it would be only common sense for England to do her very utmost to induce Portugal to put the slave trade down on the East as well as on the West Coast, and nothing in his opinion would do so much towards that end as the appointment of an able and energetic man to the post of Consul at Mozambique. It might be said that no able and energetic man would go there, but a gentleman who stood very high in the opinion of the Government was willing to take the post. There were, he owned, some objections. The climate was unhealthy; the place was detestable. There was also the expense. That, however, would be small, and nothing in proportion to the interests involved. Again, it had been urged that Dr. Livingstone had recently been appointed Consul at Zambesi, but Zambesi was very far to the south, and Dr. Livingstone was always up the country exploring. The main objection, however, made by the Government was this, that a consul would be of no use without a large number of cruisers; but two or three ships of war were always kept on that coast. He thought their being few was an additional reason for giving them as much assistance and information as possible. Were the whole coast watched by cruisers it would be less necessary to have a consul on shore to find out all that was going forward, and the points from which it was likely that slaves would be embarked. The objections, then, were not strong ones. The inducements were very strong. The fact was that the Portuguese Government was well disposed on the subject. It was fain to stop the slave trade, but was too feeble to enforce its views on that far distant coast, where many of their own authorities had excellent reasons for cherishing the slave trade. Nothing, then, would so much tend to enable the Government of Portugal to carry out their views as the fact that England had a Commissioner there to watch with a keen eye all that went on, and report the proceedings of the slave traders and the action taken by the local authorities. In fact this would be the means of bringing the powerful influence of England to bear, and of pouring light on those dark places of the earth, rendering it infinitely more difficult for these cruelties to go on there. A consul had originally been appointed at Mozambique after full inquiry by Mr. Hume's Committee in 1853, and experience seemed to him (Mr. Buxton) to have shown the value of having such a representative of England on that coast. In urging the reappointment of a consul on the Government he was expressing the views entertained by Lord Brougham, by the Bishop of Oxford, the Anti-Slavery Society, the African Aid Society, and, in fact, nearly every one acquainted with the question of the slave trade. More than this, the same point had been strongly urged by the *Economist* newspaper, and by others who looked on the matter from a mercantile point of view. There seemed real grounds for believing that English influences exerted on that coast might do much to suppress the slave trade and open a large commerce. He was glad to think that the noble Lord the Secretary of State for Foreign Affairs was sure to give the question a candid and careful study, as no man had shown more persevering energy in promoting as far as he possibly could the abolition of the slave trade.

MR. CAVE: — Mr. Speaker, I could have wished that the hon. Member for Maidstone (Mr. Buxton) had been able to bring this question before the House on the day for which he first gave notice, as we might then have had the valuable assistance of the noble Lord the Secretary for Foreign Affairs in discussing it; and I feel bound to take this opportunity of expressing my acknowledgment of the ready attention the noble Lord always gave to the representations I have felt it my duty to make from time to time on this subject. Late, however, as it is in the Session, I cannot think the moment an inopportune one, because the whole question has been advanced, during the last few days, by the publication of a very remarkable and important document. I allude to a letter from the French Emperor to his

Minister of Marine, giving notice of the ratification of a treaty with Her Majesty, of which we have as yet heard nothing, but which will, I hope, late as it is, be laid upon the Table of the House before we separate at the conclusion of the Session. As far as we are able to conjecture, from the terms of the letter, this treaty extends and makes permanent the Convention of last year, under the provisions of which the Emperor, who considers the supplying his colonies with labour an Imperial question, is empowered, in return for abandoning the so-called African emigration, to compete in the labour market of Calcutta, backed by all the resources of France, with our colonists, who have only their own private and most scanty means to rely upon; and with such vigour have these resources been applied, that I have just learned that no less than twenty-seven ships have sailed from Calcutta with coolies for the French colony of Réunion, while only twenty-two have gone to the whole British West Indies collectively. I will not trouble the House again with my objections to the principle of this measure: I have already fully stated them, and they have since been strengthened by the occurrence of one of the evils I anticipated. We find in a recent minute of the Governor of Mauritius complaints that a large number of coolies had been shipped by French agents in Calcutta for Réunion, under the pretext of taking them to Mauritius.

I cannot help thinking, however, that the letter itself is highly unsatisfactory. The Emperor has some doubts about the African emigration. He thinks it may possibly be open to abuse; he therefore determines to put an end to it. But when? Immediately? No, at the close of another year. It may, indeed, be said that it would be impossible to terminate these arrangements at once; and this argument would be very forcible, were it not for a letter which I have here from the same Imperial writer to his cousin, Prince Napoleon, dated as long ago as 1858, couched in similar terms, breathing the same doubts, and expressing the same determinations: and so general was the belief in England, at that time, that the Emperor had become convinced of what all the world knew long before, that this immigration was the slave trade in disguise, and was resolved immediately to put an end to it, that an hon. Member, now a Member of the other House of Parliament (Lord Stratheden), proposed a Resolution in 1859, conveying the thanks of the House to the Emperor for his zeal and sincerity—a Motion which was seconded by my hon. Friend who has revived this subject to-night, but which, from some information of an opposite tendency which I had received, I felt bound to oppose.

Has it taken His Imperial Majesty all this time to make up his mind? or is it not rather to the opposition of Portugal that we owe the discontinuance of this French slave trade on the east coast of Africa, if it be indeed discontinued? Perhaps a consul at Mozambique might tell us a different tale. However this may be, we were certainly led to expect, and we had a good right to expect, that the moment French recruiting agents were allowed to set foot in British India they would cease to be employed on every part of the African continent. But it appears that a much harder bargain was driven by the Emperor: that the Convention under which the Queen's subjects are now, as we learn, being carried in such large numbers to Réunion, was to be paid for by abandoning the slave trade on the east coast alone; and that this wider and more advantageous treaty was necessary to induce its cessation on the west coast also. But the fact is we give up everything and get nothing. The Emperor knows that the African immigration is the slave trade, and cannot be defended. He knows this, or he would not go all the way to India for a more distant, a more expensive, and less efficient class of labourers. If it be the slave trade, France is already bound by treaties, as solemn as any new ones can be made, to have nothing to do with it. So we are paying her extra for abstaining from doing what she is already pledged not to do.

But, leaving this retrospect, I should like to say a word as to the future. As far as we can judge, France is to have the benefit, up to July 1862, of both Indian and African immigration, and we see that she is making the most of her time in both. I presume we shall find that either of the contracting parties can put an end to the treaty by giving due notice. Supposing France gives this notice at the end of the year, she will be in *statu quo* as regards Africa, and be richer by some thousands of the Queen's subjects from Bengal. Again, there is an important exception in the terms of the treaty, as stated in the letter. France is still to be allowed to draw emigrants from her own possessions on the African coast. Now, any really free emigration from these places is out of the question, and, without imputing any intended breach of faith, I will show how liable this provision is to abuse, by a single illustration.

It is perfectly well known that for several years the Natives of the British Province of Madras were smuggled to Réunion through the French territory of Pondicherry. Between 30,000 and 40,000 Indians are computed to have been so carried off. I need scarcely point out how easy it would be for an unlimited African slave trade through a French possession to flourish; either with the connivance or without the knowledge of French authorities. The French possessions fringe the African coast for hundreds of miles, and are bounded by great slave-trading nations in the interior. We have seen already that a consul at Réunion is to be added to our list for the purpose of watching the operations of the treaty in that island; a far greater number of consuls than even the hon. Member proposes will be necessary on the African coast to guard against the possible abuse of it there.

Before sitting down I may, perhaps, be allowed to express a hope that when Her Majesty's Government were making these great concessions to France they at least stipulated in return for some modification of the French law relating to right of search, which interposes so many obstacles to the success of our African squadron. Hard language has frequently been used in this House in regard to the conduct of Spain, but Spain scarcely receives a single slave who is not carried under the flag of one or other of two great maritime nations. That the banner of America has long been deeply disgraced in this way is a matter of world-wide notoriety, but that of France is not unstained.

A naval officer commanding one of our cruisers on that station wrote to me a short time ago thus—

> "The Franch flag, I am sorry to say, is becoming a cloak for slavery, through immunity as to the right of search. A French ship escaped on the south-west coast last November. She had a legal clearance for China for coolies."

Somewhat significant this, especially as fetters form part of the equipment of free emigrants, according to French notions.

> "But had her papers been ever so irregular she was French and could not be detained; so our cruiser let her go, and she took 700 slaves."

Now, Sir, if France and England really co-operate in earnest, America cannot long hold out, especially if her vessels are to sail henceforward under a divided flag. Now is the time to strike; and if, when this treaty is laid upon the table, I find that France has made some concession in this direction, even to the extent only of placing French Commissioners on board English cruisers to overhaul French slavers, I shall see some light under the cloud. If not, I shall be compelled to adhere to the belief, which is shared by many Members on both sides of the House, and it is said even by some of Her Majesty's Government, that this treaty, while creating new evils of a grave and painful nature, does practically little to obviate those which already exist, and against which it is ostensibly directed.

Mr. H. BERKELEY said, that from letters which he had received on the subject he could corroborate the statement made as to the great increase of the slave trade on the East Coast of Africa. He was also in a position to state that the Portuguese authorities were most anxious that there should be an English consul at Mozambique, in the hope that a change for the better in that respect might be effected.

Sir JOHN PAKINGTON said, that if he rightly understood the hon. Gentleman who had brought forward the question he was of opinion that the slave trade had not of late been vigorously prosecuted upon the Mozambique coast. But, if that were the impression of the hon. Gentleman, he (Sir John Pakington) had reason to believe that the hon. Gentleman was entirely mistaken upon that point. He had lately been informed by naval officers from the coast of Africa, that the slave trade so far from having decreased on the Mozambique coast, now flourished there in the utmost vigour.

Mr. BUXTON: It was on the west coast I said it had decreased.

Mr. DODSON said, he thought it would be well to defer creating any consular establishment on the East Coast of Africa until the report of Dr. Livingstone had been received on the result of his expedition up the Ruvuma. The presence of a consul at Mozambique was rendered the less necessary by the fact that the Governor General of the district entertained the most honest intentions to suppress the slave trade. The trade, moreover, was not carried on to such an extent at Mozambique as at other points of the East Coast of Africa.

The Portugese Governor of Mozambique was exceedingly desirous of putting down the abominable traffic, and the fact was the more creditable to him because he was placed in a position of great temptation to connive at the evil. He did all he could to suppress it, but, in fact, he was powerless, on account of the extent of coast to be guarded, and the few and wretched means at his disposal. His soldiers were most of them twice convicted criminals, and he had only one brig and one gunboat, and that was useless. It was true he had a militia to assist him, but their value might be guessed from the fact that the officers only received £4 a year. They did not want a consul to keep an eye on the Governor General. If anything was to be done at all, they must have five or six cruisers permanently stationed on the coast. But his own opinion was that Cuba was the point which ought to be watched. It was notorious that there was a joint-stock company in Havannah for carrying on the slave trade, and that slavers were fitted out in that and other ports under the very nose of the authorities. The law and the church were always ready to connive at the importation of negroes, and the Captain General, though he had the power, wanted the will to put a stop to the slave trade. By stationing an efficient force of gunboats off the coast of Cuba they might, to some extent, check the importation of slaves, and it was also the duty of the Government to make the strongest representations to the Spanish Government with the view of inducing them to put in execution existing treaties. He repeated he could not approve the reappointment of a consul at Mozambique at that moment; they ought to wait to see whether Dr. Livingstone might not succeed in establishing a legitimate trade with the interior, which would supersede the slave trade.

MR. GREGORY said, he thought that was a peculiarly suitable time for calling attention to the subject. He was glad that the Emperor of the French had at last determined to put a stop to that branch of the slave trade between Réunion and the coast of Africa. It appeared to him that the Emperor, having adopted that course, might be induced to join with us in taking more vigorous measures for the suppression of the slave trade between the coast of Africa and Cuba. Persons were generally but little tolerant of those bad practices which they had relinquished themselves. The disruption of the American Republic was another circumstance which gave him hopes that they might at length be able to aim an effective blow at the slave trade. It was notorious that the real traffickers in the flesh and blood of their fellow men were citizens of the Northern States. It was in Yankee ships, floated by Yankee capital, commanded by Yankee skippers, sailing forth on their abominable errand, with the connivance of bribed Yankee authorities, that this work of the devil was carried on. Lord Lyons writing to Lord John Russell in September, 1860, stated that within the previous eighteen months eighty-five vessels had sailed from American ports to be employed in the slave trade. The captures made by the American squadron itself off the African coast from September, 1859, to October, 1860, consisted of ten vessels, seven of which were from New York. Of forty-four slavers which arrived at a certain part of the African coast within a limited period, thirty-one were American vessels. It was not surprising, under these circumstances, that Lord John Russell should have written in strong terms of the prostitution of the American flag. The noble Lord had conducted his correspondence with the American Government in a spirit which entitled him to the highest commendation from every person to whom humanity was dear. The reply of General Cass was couched in a style of flippant impertinence; but the rejoinder of the noble Lord—that as long as it was clear that the American flag was prostituted to the purposes of the slave trade—as long as that accursed traffic was mainly maintained by American citizens he would not cease to remonstrate with the American Government and people on the subject—was worthy of the Foreign Secretary of England. The United States were no longer hampered by what were called Southern prejudices. Now was the time to test the truth of all the statements they had made that Southern prejudices had prevented a really vigorous opposition to the slave trade, and to see whether, when an appeal was made to the United States authorities, we might not be able to obtain from them that real hearty co-operation which would enable us eventually to put down this traffic. The difficulty hitherto experienced, as every one knew, was the almost impossibility of stopping, detaining, or visiting American vessels. Every proposal we had made to the United States with that view had been rejected. Joint cruising and every other expedient had been invariably rejected. In former days, no doubt, these proposals had been rejected, not from any inherent difficulty in the proposals themselves, but because there was a feeling in America that it would be against American interests, he might say, to attempt to employ vigorous means in the stopping of the trade. At one time it was perfectly notorious that the acquisition of Cuba was the question not of years but of months, in the opinion of the American people. That dream had now faded completely away. It was then a great object to obtain Cuba well stocked with negroes. It was no longer an object that it should be so. On the contrary, if the slave trade were not revived—and he would not enter into the question of the real *bonâ fides* of the Southern States upon that point; he simply believed they did not intend any thing of the kind—and if Louisiana had to contend against Cuba, it was the greatest object to Louisiana and the South that the importation of negroes into Cuba should not continue. That negro labour in Cuba should be dear was a primary object to the Southern States. He believed, therefore, they ought now to have both the North and South of America perfectly concordant in their views to put down the slave trade. He did most sincerely trust that Her Majesty's Government would now have to deal with a different set of statesmen at Washington, and that they would again appeal to them in the cause of humanity to join with England in vigorous action to put down this trade; for he was perfectly confident that it did rest with the hearty determination of the American authorities to prevent these slave vessels sailing from their ports, when they had sailed, to give every facility for their capture, so that they might eventually hope for the suppression of that detestable and atrocious traffic.

Mr. W. E. FORSTER said, he thought the only conceivable objection that could be urged to the reappointment of a consul at Mozambique was the salary he must receive; but when he considered the success which had attended the presence of a consul on the West Coast, and the large sum they spent in cruisers, he was inclined to believe that small outlay might result in a great saving; so that the appointment might be justified on the mere grounds of economy. He agreed that that was a peculiarly fitting time when an effort should be made to obtain the co-operation of other countries in putting down the slave trade, and they might especially hope for the co-operation of the United States. Till recently America had been the great supporter of the slave trade. If disruption should unfortunately take place, he should look forward with great fear to the revival of the slave trade. Upon that point he might mention the fact that Mr. Gancey, the leading Commissioner to Europe of the so-called Southern Confederacy, himself proposed a year or two ago in the Southern Convention at Montgomery a resolution for the repeal of the law of the United States against the slave trade, and for months supported the resolution with great energy and ability. He differed from his hon. Friend who introduced the subject as to the propriety of sending coolies into Cuba. He did not see how they could take on themselves the responsibility of their proper treatment under a foreign Government.

Mr. G. W. HOPE said, he thought that the only means of effectually putting the slave trade down would be by making it unprofitable, and that could only be done by rendering the production of free-grown sugar as cheap as slave-grown. He entirely agreed that the introduction of East Indian coolies into foreign countries was fraught with the greatest danger. At the same time he advocated the importation of free coolie labour into our own colonies. He was glad to find there was a great change of feeling in this respect, and that the measure was no longer opposed by those who were inimical to the slave trade. Under the present stringent regulations, however, it did not pay to invest private capital in that enterprise, as a sufficient term of service was not insured. As a remedy for that difficulty he would propose, although it might be an unpopular suggestion, that a differential duty should be put upon slave-grown sugar, which might be applied for the purpose of coolie emigration into our own colonies. He regretted that this country had so largely imported slave-grown sugar from Spain, and he thought the noble Lord at the head of the Government would inflict a heavier blow on Spain by putting a differential duty on that article of produce than by attacks on paper. If Spain gave up the traffic he believed it would cease in the quarter of the world alluded to.

Mr. KINNAIRD said, that he thought the tone of the discussion proved, that there was not the least dimunition in the deep feeling of hostility entertained in this country against the abominable traffic in slaves. He trusted that some of the observations made by the hon. Member for Galway would have their due effect upon Her Majesty's Government. It was an indisputable fact, that the capital and ships of the Northern States of America had been largely employed in this traffic, and our Commissary Judge at the Havannah (Mr. Crauford) said—

> "Since the year 1858, when there was such outcry about our cruisers in these waters boarding American ships, the traffic has been almost exclusively carried on by vessels under that flag, which fit out and sail from the United States; and such has been the effect of the impunity enjoyed by the slave traders, that the American masters and crews no longer hesitate to continue on board, and have brought all their energies and cunning into operation to avoid their own Government cruisers, as well on the coast of Africa as in the waters of Cuba, from the last mentioned of which all Her Majesty's vessels of war have been withdrawn for the two last years."

Our cruisers had been withdrawn from the Cuban waters because the American Government refused to co-operate with them in suppressing this nefarious traffic; and the American cruisers, being left to execute that task alone, had entirely failed in its performance. He earnestly entreated the noble Lord not to imagine that the restoration of the consul at Mozambique was not to be desired. The slave trade was carried on there to a considerable extent, and but for our cruisers it would be greatly increased. Dr. Livingstone was particularly anxious that there should be a consul at Mozambique. The trifling expense which such an officer would entail on the country would be amply repaid by the legitimate trade it would occasion, for there was a great demand there for our cloth and hardware. He looked with extreme jealousy on the plan for importing coolie labourers from India into the French colonies, and he hoped that the recent treaty on the subject would be laid on the table without delay.

VISCOUNT PALMERSTON: Sir, I rise to make some observations upon what has passed with regard to the slave trade. I am bound to say that I think the House and the country are under obligations to my hon. Friend who brought forward this Motion, because this is a subject of the deepest interest; and it is impossible that this House can too often or too strongly express its opinions in condemnation of the continuance of this abominable traffic. The truth is that the abolition of the slave trade, although it may be, and, in some instances, has been brought about, as in the case of Brazil, by the exercise of force, cannot be wholly extinguished except by the progress of opinion, not only in the minds of different Governments, but in the minds of the different nations which they rule. I regret to say that of late years there has been a relapse on the part of our neighbours on the other side of the Channel. France very early abolished the slave trade. France not many years ago abolished slavery in her colonies; and we had reason to hope that, the French nation and the French Government being throughly convinced that slavery and the slave trade were abominations, and having determined to get rid of both, there was no danger whatever of their backsliding. But the first symptom of a relapse was seen when the French Government, under M. Guizot, refused to ratify the convention for the mutual right of search which was negotiated by the Earl of Aberdeen, its refusal being grounded on some Motion made in the French Assembly. That was, no doubt, an indication of a retrograde movement in opinion. Then came, four or five years ago, the Regis contract for the emigration of so-called free labourers into a French colony, but which was nothing more nor less than the slave trade in its purest and simplest form, at least as far as the acquisition of the labourers was concerned. It was the slave trade in the beginning of the process, though not entirely so in its end, because although these unhappy creatures were landed in a French colony, apprenticed against their will, subjected to regulations which rendered them liable to degrading punishments, and otherwise made to feel that they were in a state far from one of freedom, the French law did not acknowledge the system of slavery. The manner in which these negroes were caught was exactly the same as that in which the Spanish and the Portuguese got their slaves in order to send them to Cuba. It was said, indeed, that they were ransomed, and were to be set free, and documents were given to them which professed to be certificates of their emancipation. But they were obtained in the first instance by persons who sold them to the French by all those means of force, of violence, and fraud by which slaves were and still are procured for the Spanish market at Cuba. This, unfortunately, was the result of the ascendancy gained in French councils by the colonial interest.

That ascendancy was paramount; and for a long time the French Government was deaf to all the remonstrances made to them by the Government of England, pointing out that this was the slave trade, and contrary to every principle by which they had openly promulgated their resolution to abide. At last the French Government consented to put an end to that system, provided other means could be obtained by which the additional supply of labour required in the French colonies could be procured. The only means by which we could at all assist in procuring labour was by allowing the French to obtain coolies from our possessions in India; and the question was whether we would give them that permission on condition that the Regis contract should be put a stop to. I should say that two years ago the French Government, upon the urgent representations of the Queen's Government, did put down the exportation of the so-called free labourers at the Western Coast of Africa, but it still continued on the East Coast. There were great objections, such as those referred to in the course of this discussion, to our allowing these French colonists to go to our territories in India for the purpose of obtaining coolies. No doubt, it was liable to this objection—that improper means might be resorted to for, as it is called, kidnapping the coolies; and, therefore, it was necessary to establish regulations by which you should be sure that those labourers who went did so of their own goodwill, that they should not be overcrowded or otherwise ill-treated during the voyage, and that they should be well-used when they reached the island of Réunion or the French West Indies. These matters were the subject of long and difficult negotiations, because we had to contend with the peculiar interests of those who thought it better and cheaper to go on with the existing plan. The Emperor's advisers felt that the system was a bad one, and were anxious to co-operate with us to put an end to it. Accordingly, a treaty has been recently concluded by which, under certain regulations, the French colonists are entitled to bring coolies from India into the French colonies. It has been said that we give everything and get nothing. That is not exactly the case. It is quite true it permits the exportation from India to take place at once, while the French Government does not engage to stop the Regis contract until 1862—a period to which

Viscount Palmerston

they are bound to allow that contract to continue in force. We might have said, "We will not allow you to get coolies while you are carrying out this contract." That point was considered, and it was decided, rightly as I believe, not to act upon that view. We felt that they would not get a less number of negroes if we refused them coolies; but that, on the contrary, it was probable if we allowed them to have coolies immediately they would find them better labourers, more subordinate, and cheaper than negroes; and in proportion as they obtained coolies so they would obtain fewer negroes; and, therefore, our object being to put an end to the abominations of the African trade, I think we were right in opening the supply of coolies at once to the French colonists. I am not sure whether that convention has been ratified, but when it is it will, of course, be laid on the Table of the House.

There is no doubt that the crime of slave trade does exist still, and to a great extent; but, omitting for the moment all question of the Regis contract, it is chiefly confined to the supply of Cuba. Now, how is that carried out, and how have we been prevented from putting an end to it? It arises from the corruption of all the authorities in Cuba, and the apathy of the Spanish Government at Madrid. We have remonstrated time after time; we have sent proofs that the slave trade is enormously carried on—that large fortunes are made by their officials—that Captains General go out poor and return rich. We were met by assurances that the orders sent out would be better observed, and that there was every disposition on the part of the Spanish Government to fulfil their treaty engagements. That is what we get from Madrid. It is unsatisfactory, but, of course, we are obliged to take the answer, especially when it admits the treaty obligations, and declares the intention of the Spanish Government to observe them. Then, in Cuba, when our consul sends proofs to the Captain General that a cargo of slaves has been landed at such a time and place, and calls upon him to punish the offenders, the Captain General says he will make inquiries, and after a certain time he reports that he has made inquiries, and is unable to trace any proof that a landing has been effected; and when he is requested to search certain plantations to which it is suspected the slaves have been removed, he replies that he has not the power to do so conferred upon him by the Home Government. So we have Cuba setting up Madrid, and Madrid setting up Cuba against us. That is a disgraceful thing for a country like Spain, and I believe that at last they feel it to be so, as they have lately sent additional ships to watch the coast of Cuba, in fulfilment of their treaty obligations. It is quite true that the importation of slaves into Cuba does not take place in Spanish ships, but in ships sailing under other flags, and especially under the American flag. There are some little Portuguese shipments from the East Coast of Africa, but it is mainly carried on under the American flag. Lately there has been some little amount of slave trade carried on under the French flag, but not to any great extent. We have, as is well known to the House, been constantly remonstrating with the American Government against that abuse—that prostitution of their flag. In one piece of correspondence I told them that a piece of bunting ought not to be a national passport. They took offence at that, and said I had insulted their flag. It was not the expression that nettled them, but the reproach that their flag was prostituted to base purposes. We tried to persuade them to grant a mutual right of search, but we were unsuccessful. We tried other plans, and at last we proposed to the Government of Mr. Buchanan that English and American cruisers should sail in company, and when any ship under the American flag should be taken with slaves on board, she should be prize to the American cruiser, and treated according to the American law; but when a ship was taken without a flag or papers with slaves on board she should be prize to the British cruiser, and be subject to our law. That proposal seemed too well calculated to accomplish its purpose to be accepted by the American Government, and accordingly it was declined. The hon. Member for Galway (Mr. Gregory) says that now that the North and the South are at variance is the time to get the assistance of the North against the South. It is quite true that at the time of the disruption of the Union —if we may assume it to have taken place —or before this civil contest broke out, it was the influence of the South which prevailed at Washington, and prevented the Government there from accepting any of the offers we made for the purpose of enlisting the support of the United States Government in the execution of their treaty engagements. There is a treaty engagement by which they are bound to co-operate with us for the suppression of the slave trade. For a time they sent one or two small vessels to the coast of Africa, and lately they have increased the number. But this I have observed, that when an American cruiser is commanded by a captain from the South, no effective assistance whatever is given us for the suppression of the slave trade. The Southern captain shuts his eyes to what is going on, and runs off to Madeira for supplies or water; but the cruisers commanded by captains from the North do give us very effective and vigilant co-operation. This would lead to the hope, no doubt, that if the turn of events should give to the North a more sovereign existence, possibly the spirit of the North would prevail over the influence which hitherto has controlled them, and, although most of the cruisers were fitted out at New York and at Boston, and, perhaps, with capital from the North, yet it was the spirit of the South which animated these expeditions. With a view to the suppression of this crime we have urged upon the Government of Portugal to exert its authority more effectually upon the eastern coast of Africa; but, as has been truly observed, the Portuguese possessions on the eastern coast are of enormous extent, thinly populated, and the ports are separated by immense distances, while the authorities there are far removed from the observation of the Government at Lisbon, with every opportunity for yielding to corruption and bribery; and, therefore, it is very difficult for the Lisbon Government to control what goes on there. I am informed by our Minister at that Court that that Government is doing all in its power by removing delinquents and sending out better persons as Governors to put an end to the evil. Whatever may be said of the Government of Spain, I have no doubt of the sincerity of that of Portugal in exerting all the means in its power to accomplish this purpose. I do not even despair of seeing the Portuguese Government adopt some measure for prospective emancipation. Portugal has no interest in the slave trade, but quite the reverse. Her possessions lie in Africa—they want all the labour for cultivation and improvement that the population will afford, and every man sent away is a man withdrawn from the development of the natural resources of the country. Spain is in a different position. Her colonies import labour from other places, and in their narrow and erroneous view every slave imported is so much gain. The hon. Gentleman opposite (Mr. Hope) wants us to revert to a differential duty between slave-grown and free-grown sugar. The question has been frequently discussed, and Parliament has made up its mind that such a plan is not desirable, as evasion would be easy, and, if applied to sugar, the principle must be extended to slave-grown cotton, tobacco, and other articles. As to the particular point of establishing a consul at Mozambique, I am inclined to agree that it would have little reference to the slave trade. Mozambique is known to be an unhealthy station, and there would be a difficulty in inducing a consul to go and in insuring his continued residence when he was once there. I believe it was chiefly on account of the unwholesomeness of the place and the little influence he would have in checking the slave trade that the consul has been withdrawn from Mozambique, but at the same time the expediency of his return is a fair subject for consideration, and I can assure the House that my noble Friend (Lord John Russell), who is as eager and as anxious as any man can be to put an end to this abominable crime, will give to this and every other method of putting a stop to it the fullest consideration. I do not know whether there is any other point to which I ought to advert, but I can assure the House that both my noble Friend and myself and every Member of the Government are most anxious to complete the work—I will say the noble work—in which this country has been engaged for so many years. Cuba is now the only plague spot in the world, for I do not believe that there is any real importation of slaves into the Southern States of America. Cuba, I repeat, is the only real plague-spot, and I hope that by some means or other we may be able, if not entirely to put an end, at least greatly to check and ultimately to put an end to the abominable practice of the slave trade.

Mr. LINDSAY said, he thought the abolition of slavery could be best effected by importing large quantities of free labour into the slave districts, as they would thereby reduce the value of negro labour, and, therefore, the value of the negro, and consequently render the importation of negroes an unprofitable occupation.

MERCHANT SHIPPING.

OBSERVATIONS.

Mr. LINDSAY, in calling attention to the Report of the Merchant Shipping Committee of 1859-60, said, that the House was aware that the shipping interest of this country for more than two centuries was a protected interest, and presumed to derive from protection peculiar advantages in which other classes of the community did not participate. Consequently, peculiar taxes of various kinds were laid upon that interest. In 1849 and 1850 protection, and all the supposed privileges of protection were taken away. The least the Government could have done when they removed protection was to remove those burdens and those restrictions which were created with that protection. Well, he was sorry to say that, though Committees of that House had reported over and over again in favour of removing the burdens which still fettered that great and important interest, most of those burdens still remained. For two years he had the honour of sitting on the Merchant Shipping Committee upstairs. That Committee, after great consideration, laid a Report, in 1860, upon the table of the House, recommending, under ten distinct heads, that various burdens and restrictions ought to be removed, and stating that these were questions which seriously affected the maritime interests of this country, with which it was the duty of the Government to deal. He had delayed calling attention to this subject up to that late period in the hope that the Government would have introduced Bills for the removal of at least some of the most oppressive of those burdens. From some cause or other he was sorry to say but one of those ten recommendations had been dealt with by the Government. The Merchant Shipping Committee recommended that the question of belligerent rights should be dealt with, and unanimously arrived at the conclusion that the time was come when all private property not contraband of war ought to be exempt from capture at sea. His hon. Friend the Member for Liverpool (Mr. Horsfall) made four or five attempts during the Session to bring that question under the notice of the House. It was but reasonable that he and other hon. Members, and many out of doors who felt that we had a larger share of private property on the ocean than any other nation, should desire that that private property should be exempt from capture. But all attempts to bring that question forward were, he was sorry to say it, stifled by Her Majesty's Government. After unsuccessful attempts, on the 18th of February and the 17th of April, his hon. Friend on the 7th of May had an opportunity of bringing the question forward, but an appeal was made to him not to do so, on the ground that the whole question of the Treaty of Paris was under consideration. Now, he wished to know from his right hon. Friend, the President of the Board of Trade, what was the result of that consideration on the part of the Government? Again, a revision of the liability of shipowners who were exposed to heavy and ruinous penalties and conditions in fitting-out passenger ships, &c., was another of these recommendations which had not been carried out. So far back as 1845 a Committee, of which the noble Lord at the head of the Government was a Member, recommended that the shipping interest should be relieved from light dues, but since that period nothing had been done, and since then the shipping interest had paid for the liquidation of debts contracted for the purchase of private lighthouses no less than £1,250,000. Pilotage was a monopoly in the hands of private individuals. It was clearly shown that where pilotage was voluntary a better supply of pilots was to be obtained. With respect to local charges at various ports, the shipping interest was still taxed for craneage where there were no cranes, for buoyage and beaconage where there were no buoys or beacons, and for wharfage where there were no wharfs. It had been proved before a Commission appointed by this House that there were many who levied those dues who had no right to levy them, but even where there were rights those rights could be valued and redeemed, and he could not help expressing his surprise that the Government did not deal with them during the Session. It might reasonably be supposed that, considering the vast increase of trade, the Merchant Shipping Act of 1854 and the Passenger Act might require some modifications, but nothing had been done with regard to it. In respect of the main and truly important question of reciprocity, he was sorry to find that nothing whatever had been done, and he feared that no exertions had been made by Her Majesty's Government to obtain from foreign nations those reciprocal privileges and advantages which we had long granted to them. France still maintained differential duties against us—duties so high as in many cases entirely to exclude our shipping. Spain, Portugal, the United States, and various other nations, including Austria and Russia, still excluded us from the coasting trade. There was one remark which struck him very forcibly which was made by a large shipowner who was examined before the Committee of which his right hon. Friend, the President of the Board of Trade, was at the head. Alluding to his ship in the port of Calcutta, he said—

> "It is very galling, indeed, and enough to break one's heart, to see my ship lying at Calcutta getting only 15*s.* a ton, while a French ship alongside obtained 60*s.*, 70*s.*, or 80*s.* per ton, simply because the latter vessel, on arriving at this part of the world, was at liberty to deliver its cargo with equal facility either in England or France."

In the Report of the Merchant Shipping Committee regret was expressed at the apparent apathy on the part of the Government in connection with this important question, and their neglect to enforce the retaliatory clause. That Report had been upon the Table of the House for a year and a half, and he wanted to know what had since been done to obtain from foreign nations a reciprocity of advantages. He was in America during the last recess, and Mr. Buchanan in discussing the question with him frankly admitted that it was no more right to call the trade between New York and California a coasting trade than the trade from this country to Calcutta. He believed, too, from what he learned while in France, that the French Government, if the matter were fully brought before them, would have seen the justice of reciprocating the many advantages which this country had granted to French ships. Of all the recommendations of the Merchant Shipping Committee only those relating to the abolition of passing tolls and the settlement of differential dues had been carried into effect. The right hon. Gentleman, the President of the Board of Trade, had given notice of a Merchant Shipping Bill, but it was too late for such a measure to be introduced in the present Session. He hoped, however, that the Government would early in the next Session bring in measures to carry into effect the more important provisions of the Merchant Shipping Committee. The shipping interest did not require protection, but they desired a clear stage and the opportunity of conducting their business without those disadvantages which they were at present subject to. Having made these observations, he did not intend to move the resolution which stood on the paper in his name.

Mr. CAVE said, he was glad his hon. Friend had brought forward this subject. On most of the points he took he cordially agreed. He would remind him, however, that the difficulty of obtaining reciprocity was caused by our having given everything to other nations without stipulating for anything in return. He had intended asking the right hon. Gentleman a question on this subject, but was better pleased that the initiative should be taken on the opposite side of the House. Those who, like himself, were interested in the welfare of the Mercantile Marine had, he thought, reason to complain that the right hon. Gentleman had not, he might almost say, redeemed his pledge, but at any rate had not fulfilled his intention, and brought in again a measure which he carried last year, of great value and utility to the shipping interest—he meant the Clearance Inwards and Lien for Freight Bill—or, at any rate, incorporated its provisions in some more comprehensive measure. This Bill simplified and rendered intelligible the laws respecting freight, which were now the source of constant litigation. It also placed the law which regulates the landing of goods (which was now habitually disregarded) on a footing more in accordance with the important changes caused by the general use of steam in merchant shipping. The right hon. Gentleman met with no opposition from that side of the House. He was sure he would allow that he gave him, in his humble way, all the assistance in his power both in and out of Parliament, as did the Member for Sunderland. The Bill was one which severely tried the patience of those interested in it. It appeared on the orders of the day two or three times a week during the greater part of the Session, and eventually came on between two and three in the morning, in an empty House, when the reporters were worn out, and the space in the papers allotted to reports filled up, when it might be said that virtue was its own reward; for though for two or three nights there were lengthened and animated discussions, strong opposition from a few hon. Members opposite, whose constituents were interested in maintaining the present anomalous state of things, and two or three divisions, yet all these exertions, all this expenditure of time and patience were as little known to the public as the achievements of the heroes who lived before Agamemnon. However, the Bill passed, and if they might judge by the comments

of the *Shipping and Mercantile Gazette*, and other papers specially devoted to the subject, it gave universal satisfaction to the shipping interests. It was too late, unfortunately, to pass through the House of Lords, and it was generally supposed that it would have been re-introduced at the earliest moment this Session. A Bill of this sort, full of details affecting particular interests, and which Members in general could not, or at any rate would not give themselves the trouble to understand, had little chance unless it was brought in as a Government measure, and he did hope that the right hon. Gentleman would give the assurance that evening that he would introduce some measure of the kind as early as possible next Session.

Mr. MILNER GIBSON said, the real reason why he had not dealt with some of the subjects to which the hon. Member for Sunderland had called the attention of the House was that the opportunity of doing so had not been afforded him. He had brought in a Bill for the purpose of abolishing passing tolls, but when that measure received the assent of the House he found there really was no time at his disposal to proceed with a measure of such magnitude as that to which the hon. Member for Sunderland adverted. So far as light dues were concerned, the question arose whether the object for which they were imposed should be carried out by means of public taxes or of dues levied on shipping, and, although a good deal might be said in favour of the former alternative, yet he could not help thinking there was nothing very unreasonable in the latter when it was taken into account that it was chiefly for the benefit of the merchant shipping that the lights were maintained. If, he might add, the charges under that head had not been placed on the Consolidated Fund they had, at all events, been reduced to the extent of £60,000 or £70,000. Then came the question of compulsory pilotage, which was beset with much difficulty. In principle there was, he admitted, not a little to be said in favour of not compelling the owners of vessels to employ pilots, while there was a legal difficulty pointing in the same direction, inasmuch as if, as matters at present stood, a ship in charge of a compulsory pilot did, owing to his fault, any damage, the owner was not held to be liable to make compensation. Indeed, the consequence of that state of the law was to give shipowners themselves an interest in upholding the system of compulsory pilotage, and he was not at all sure, therefore, that if a measure for its abolition were introduced it would not meet with some opposition from that quarter. Be that, however, as it might, the subject was one with which the Government fully intended to deal, and a Bill had actually been prepared, which he thought would be found to contain some satisfactory provisions with reference both to light dues and pilotage, and which he hoped to be able to lay on the table of the House at an early period next Session. He now came to the complaint of the hon. Member for Sunderland that the Government had taken no steps to insure reciprocity from foreign countries, and he begged to assure him that in that respect he was in error, as he would discover if he were to look into the records either of the Foreign Office, or of the Board of Trade, which clearly showed that Government had lost no fitting opportunity of representing to foreign countries the claims which England possessed to full reciprocity in navigation. The subject was one, he might add, on which a great deal of misapprehension prevailed in this country as to the extent to which reciprocity was really withheld from this country by foreign nations. At present there were only three countries—France, Spain, and Portugal—that in the indirect foreign trade did not give to England complete reciprocity. In the direct foreign trade they had, he believed, reciprocity with every country. He believed that British ships coming direct from England received national treatment in almost every country in the world. In many countries the coasting trade was given to England in consequence of the repeal of the navigation laws. And it was something to say that the three countries he had mentioned were the only countries that had not given to England complete reciprocity. With regard to the direct trade with France they were on the footing of national ships. With regard to the indirect trade with France they had recently received very considerable relaxations. The differential dues on jute and cotton wool coming from Australia and India to France had been abolished, and those articles were liable to the same duty, whether brought in French or English ships. That was a great object effected, and he hoped we might be able to secure a still larger share of advantage in that direction. He quite concurred with the hon. Member for Sunderland in regarding the shipping interest as of the utmost importance, as well as with respect to the expediency of adopting the necessary measures for its encouragement; but he should beg the House to bear in mind that that interest was evidently increasing both in amount and prosperity. He found, for instance, that for the first six months of the present year, ending the 30th of June, the total British tonnage entered and cleared with cargo amounted to 5,951,722 tons as against 5,628,589 tons in the corresponding period of 1860; and 5,429,277 for the first six months of 1859, thus showing a regular increase of tonnage for those three years. He also held in his hand a statement which proved that the repeal of the navigation laws had, instead of doing harm, done great good to British shipping, though we had not received from any country the same privileges of free navigation which they granted to all the world. Be that, however, as it might, he found that on comparing the year 1860 with 1850, the year immediately subsequent to the repeal of the navigation laws the tonnage entered and cleared with cargoes in the former year amounted in six months to three-fourths of what it was for the whole year in 1850. So that since the repeal of the navigation laws there was a constant increase in the amount of tonnage. It might also be satisfactory to the House to know that our export trade was exhibiting no signs of that decline which some persons anticipated, inasmuch as for the month ending the 30th of June last the declared value of British exports was £10,362,893 as against £9,236,454 for the month of June, 1860. The decline in the export trade was not so considerable as many people supposed. In the first six months of the present year the declared value of British exports was £60,143,425; in the first six months of 1860 it was £62,019,989, showing a decline of only 3 3-10ths per cent—a much smaller decline than at the commencement of the year seemed probable. He might mention that there had been a considerable increase in their trade with Italy and also with China, owing, no doubt, in the case of Italy to the changes that had taken place, and to having the benefit of a more liberal system under the Sardinian Government. He mentioned these facts in order to remove an impression which seemed to prevail—that some very considerable decline was taking place in the export trade of this country, which might have a serious effect on the revenue of the country and on the interests of the merchant shipping. The hon. Member for Sunderland was not more anxious than were the present Government on every fitting occasion to urge upon foreign countries the claims of the country in regard to freedom of navigation. At the commencement of the next Session a Bill would be introduced dealing with light dues, compulsory pilotage, and the liabilities of shipowners, and he trusted it might become law.

In reply to a question from Mr. CAVE,

MR. GIBSON said, he could not give a definite pledge to the hon. Member opposite (Mr. Cave) that the Bill which he (Mr. Gibson) introduced last Session, and which passed that House with reference to clearances and freights inwards, would be re-introduced next Session. Since that Bill passed the House of Commons representations had been made which somewhat altered the view originally taken by the Customs authorities in this matter. He could only promise that a measure dealing with the subject would be introduced.

THE EMPEROR OF THE FRENCH AND ITALY.—OBSERVATIONS.

MR. DARBY GRIFFITH said, he rose to call attention to the tone and tenour of certain telegraphic despatches which had just been addressed to the Italian Government by the Emperor of the French. A few days before at Vichy the Emperor Napoleon happened to cast his eye over a Legitimist journal, called the *Gazette de France*, where, in the correspondence from Naples, he read a statement to the effect that General Pinelli had ordered three peasants to be shot for the alleged offence of having carried provisions to the brigands. Without further inquiry the Emperor sent off the following despatch to General Fleury, who was then in the north of Italy:—

> "The Emperor to General Fleury.
>
> "Vichy, July 21, 10.35.
>
> "I have written to Rome to make remonstrances. The accounts which arrive are of a nature to alienate from the Italian cause all honest hearts. Not only misery and anarchy are at their height, but the most unworthy culpabilities are the order of the day. A general, whose name I have forgotten, having forbidden that the peasants should carry provisions with them in going to their work in the fields, has caused those to be shot upon whom a morsel of bread had been found. The Bourbons have never done anything like that."

That despatch was shown to Baron Ricasoli on the evening of the 23rd, but on the morning of the same day the journal *L'Italie* had given the following account of the matter:—

> "The *Gazette* of France, in its correspondence from Naples of the 9th of July, announces that General Pinelli had caused three peasants to be shot who were suspected of having conveyed provisions to the brigands. We are able to contradict absolutely this story on every point. What may have afforded a pretence for it are the dispositions made by General Pinelli to forbid the bakers, in localities exposed to the attacks of the brigands, from making a larger quantity of bread than is required by the population of the place, and from selling it to persons outside; which is a measure of simple prudence, to prevent the maintenance and extension of brigandage. We, therefore, totally deny the fact related by the *Gazette de France*, and assert its statements to be falsehoods, and totally undeserving of credit.

In order, he supposed, to make the despatch more insulting to the Italian Government, it was not sent in cipher, but in the ordinary language of the country, and its contents were known by every clerk between Vichy and Turin. If brigandage existed in the South of Italy nobody was more responsible for it than the very man who now affected a virtuous indignation and presumed to insult the Italian Government on account of an erroneous statement in a Legitimist newspaper. He believed that that proceeding on the part of the Emperor of the French would have a very different effect from that which it was intended to have on the Italian Minister. Baron Ricasoli was distinguished for firmness of mind and nobility of character. Not a single inch of Italian territory would ever be yielded by him, and his answer to the gratuitous rebuke from the Emperor of the French would be such as to vindicate the independence of Italy.

MR. HENNESSY said, he believed it might be alleged on behalf of the Emperor of the French that he knew what was going on in the South of Italy, and that in addressing the despatch to which the hon. Member had alluded he thought he was only discharging a duty to humanity by protesting against the shooting down of peasants who were fighting for their legitimate Sovereign.

Motion *agreed to.*

SUPPLY—NAVY ESTIMATES.

House in Committee.

MR. MASSEY in the Chair.

(In the Committee.)

(1.) £250,000 (Iron Ships, &c.).

ADMIRAL WALCOTT: Sir, I entirely

approve the course which has been taken by the Admiralty as explained by the noble Lord at the morning sitting. The protection of our own shores, our enormous commerce, and our wide-spread colonies and dependencies renders it a matter of vital importance that our navy should be placed on a footing not only equal, but superior to every other navy in the world. Our naval supremacy was essential to our existence as an empire. I, therefore, not only concur in the present Vote, but in the next Session will give my cordial support to any increase of the Estimates of £2,300,000 now assumed, which might be thought necessary. I wish to know from the noble Lord the Secretary of the Admiralty whether the six ships he names to be the intention of the Admiralty to build were to be altogether of iron, or of wood and iron combined. At no distant period, I believe, the staple material to be used generally in the construction of our ships would be iron, but there could be no objection to converting those for which the timber had been prepared into iron-cased ships; and, independently of large ships like the *Warrior* and *Black Prince* class, we required some of the smaller dimensions, not more than 280 feet in length, carrying, say, eighteen guns, and cased entirely in iron, and having a speed of not less than twelve knots an hour. I consider it a great error in having built the *Warrior* and *Black Prince* with tender ends, and both bows and quarters unprotected; likewise I beg to call attention to the urgent necessity in our being provided with a number of formidable gun and mortar-boats. I did not exactly understand what the noble Lord the Secretary of the Admiralty proposed with respect to the construction of the six ships about to be laid down—what was to be their tonnage, what description of guns were they to carry, and were they to be built entirely of iron, or of iron and wood combined—were they to be built by contract, or to some extent in our naval yards? Before the Admiralty proceeded with these ships the *Warrior* and *Black Prince* should be thoroughly and fairly tested in respect to their general good qualities, not being sent to sea in smooth weather, sea, and wind, but with the prospect of a heavy sea and strong gale of wind.

CAPTAIN JERVIS said, he had heard the statement of the noble Lord that morning with great satisfaction, and it had also afforded him no little gratification to find the right hon. Baronet the Member for Droitwich giving the noble Lord his earnest support. He had, however, heard with great surprise the right hon. Baronet the Member for Carlisle (Sir James Graham), although in a tolerably full House, propose that the Vote should be postponed in order that it might be discussed when there was a larger attendance. They ought to support the Government energetically to enable it at the earliest possible period to have as good and efficient a fleet of iron ships as the French possessed. No man had studied the science of artillery more deeply than the Emperor of the French, and as soon as he had convinced himself that wooden ships could not resist the improved artillery of the present day he ordered iron vessels to be built. We had been slow in following his example, but once having begun to do so, our great resources and advantages would soon enable us to construct a fleet of equal strength to that of France. He thought the Admiralty had exercised a wise discretion in asking only for a small additional sum that year, as it would be some months yet before the experiments at Shoeburyness were brought to a conclusion. The Admiralty could not be too careful in the steps they were taking with respect to the mode of constructing iron ships. We had to reconstruct a navy which should have the mastery of any other navy in the world, and the average cost of each iron-cased ship was estimated at half a million sterling. There was, however, much to be ascertained respecting the powers of resistance of iron ships. It would be advisable if, when the *Warrior* was completed, she could be subjected to a number of experiments with heavy Armstrong guns. It was really no use in sticking up a single plate of iron 4½ inches thick to be experimented upon at Shoeburyness, for there were many other things which required to be tested besides the question of mere resistance, such as the best mode of putting the plates together, and the nature of the supports which were to be placed behind the armour plates. He was anxious to know whether the Admiralty had determined to condemn rolled iron plates, and to confine themselves entirely to the making of steam hammered plates instead.

MR. LINDSAY said, that the right hon. Baronet the Member for Carlisle, when this Estimate was brought forward at the morning sitting, thought the matter too important to be considered in so thin a House.

The question was now revived at the evening sitting, when the attendance was not any larger, and the right hon. Baronet himself was absent. He (Mr. Lindsay) wished to ask the question—whether, by that vast expenditure, they were creating a greater danger from within than that against which they were guarding themselves from without? Taxation was bearing heavily upon the people, and, if the harvest should prove deficient, and the unhappy war in America continue, vast masses of our people would be thrown out of employment. Then they would complain to Parliament, if they did nothing more, that they were ground down by unnecessary taxation. Against that danger they were more likely to have to contend than war with foreign Powers. Already the House had voted more than £12,000,000 that year for the navy, and now his noble Friend the Secretary to the Admiralty coolly asked for £250,000 as an instalment of a sum of £2,500,000. In his (Mr. Lindsay's) opinion £4,000,000 was more likely to be the actual sum. As they were at peace with all the world he could not understand whom they were arming themselves against. It was said that they required six more iron ships, because a neighbouring power was increasing her navy; before his noble Friend asked for the Vote he ought to give the Committee ample information as to the present state of the French navy, and the number of ships she was building. The Government ought to state the whole truth and say if they were proceeding on any other information than the rumours of Admiral Elliot, who made a flying visit to the French dockyards, and represented that he saw vast preparations going on, but which the gentleman that he (Mr. Lindsay) sent there could not see. The Government had cased five wooden ships with iron, and now the House was asked for means to build six more iron ships equal in size and power to that terrible instrument of destruction—the *Warrior.* What would be the effect of this? Why, the effect would be that France would go on building her ten iron ships, which he did not believe she intended to complete for two or three years under present circumstances. It was useless to say to the House and the country, as his noble Friend did, "Don't be alarmed," because the people would not believe that there was not something behind if these ships were really required. If they went on in that way the French Emperor could not stop, however anxious he might be to do so, because the people and the Representative Assembly would bring an irresistible pressure to bear upon him to keep pace with England. Again, if the statements they had heard with respect to the preparations in France were true then even more ships than those proposed to be built were necessary, because England ought to occupy the first position in Europe upon the sea. But he not believe those statements. As at present informed he believed we were fooling away millions of money, as he was convinced that the Emperor of the French knew it to be his interest to keep on terms of peace with England. Unless the noble Lord gave to the House a satisfactory statement he would resist the Vote, though he might do so alone.

VISCOUNT PALMERSTON: It is supposed by my hon. Friend that our information rests upon the statement of Admiral Elliot. Now, I do not in the least degree mean to discredit that Report, but we have other information upon the subject from totally different quarters. We know that the French Government have now afloat six iron vessels of various sizes —two of them two-deckers, not frigates —all large vessels. We know that they have laid down lately the keels, and made preparations to complete ten other iron-vessels of considerable dimensions. The decision as to those vessels was taken as far back as December last, but was not carried into effect until May, because they were waiting to ascertain what were the qualities and the character of *La Gloire* and other ships afloat. My hon. Friend says he sent a friend to the French dockyards who saw nothing. I remember an amusing story called *Eyes and No Eyes*—one person who saw everything, and the other, who made the same tour, saw nothing; but the one who saw was right, for the things he saw were there, and the things which the other man did not see were not the less in existence. Well, here are six ships afloat, or which can be completed in the course of next year. Ten others are begun, which will be completed, with ordinary exertion, in the course of eighteen months or two years, and which by great exertion might be completed in less time. We know that the French Government have great dockyard establishments. I cannot say offhand what the area of their dockyards is, but I believe it is three or four times that of our own. They have an almost unlimited amount of labour, for they are not now occupied in building purely wooden ships, and if it were their interest or their view to hasten in any great degree the completion of these iron vessels—there is no illusion about them, for we know their names and the ports at which they are being built—if it suited them to hasten materially the completion of these ships, they might, probably, finish them in eighteen months. That makes sixteen iron-ships; but besides them France has, I believe, eleven floating batteries, as they are called, but two or three of which are very powerful seagoing ships. That makes twenty-seven ships in all, which they might have fit for sea at the end of two years. My hon. Friend asks if this is to go on, England increasing her force and France increasing hers. But I say in this case France has taken the lead. It is not our preparations which induce France to make her preparations; but it is her great preparations which render it indispensable we should make corresponding preparations. The hon. Gentleman tells us to look at home, and spoke about a bad harvest, interrupted trade, the industry of the country impaired and thwarted. Those would be unpleasant and lamentable results, but are we, in anticipation of those evils, with our eyes open, to add an additional evil—that of having another country superior to us at sea? Is that a remedy for those evils? Upon the contrary, it would be a great aggravation of them, and would expose this country to a condition which my hon. Friend, as a good Englishman, would be most unwilling to see it exposed to. There is nothing in what he has said to justify the Vote which he announced his intention of giving; and I hope, after this explanation, he will not feel it necessary to continue his opposition to the Vote.

Mr. LINDSAY said, he hoped that his noble Friend, the Secretary to the Admiralty, would tell the House in what ports and arsenals of France the six great iron-ships, the eleven powerful iron-cased batteries, and the ten ships laid down, were to be found. If what the noble Lord had stated was true—and he ought to be accurately informed—his statement was quite alarming, and he, for one, would not be satisfied with a Vote of £2,500,000, but would be prepared to vote double that sum. France had no right to have these ships. If she had them, she could not be honest in her professions to England, and it behoved us to know what she meant by such armaments. He could not help thinking, however, that the Government had been misinformed.

Mr. HENLEY said, he should have remained silent on that question but for the observations made by his hon. and gallant Friend (Captain Jervis), who had blamed him for suggesting the postponement of the debate from the morning to that evening sitting. The discussion which had already taken place was, he thought, a sufficient warrant for the postponement. The statement just made by the noble Lord the Prime Minister was not unimportant. His hon. and gallant Friend (Captain Jervis) had said that when the Navy Estimates were proposed the House was forewarned with regard to these supplementary Votes. His hon. Friend must have had quicker ears and more insight into mystical sayings than he (Mr. Henley) could possibly profess to have if such were the case. He should have been much surprised if any one had discovered in the speech of the noble Lord when he proposed the Navy Estimates a ground for the notion that a supplementary Vote would be taken pledging the country to a future expenditure of £2,500,000. He was more confirmed in the opinion that nothing of the kind took place, because the noble Lord took credit to himself for having made a candid statement with respect to the purpose for which the £2,500,000 was required. Had the supplementary Vote been announced when the Navy Estimates were proposed, or under discussion, it would now have been quite unnecessary for the noble Lord to say a word on the subject, and it would have been passed as a matter of course. He thought his hon. and gallant Friend had made a somewhat singular recommendation to the Government, after having blamed him for postponing this discussion, in having urged them not to go on in haste and to do nothing blindfold. The hon. and gallant Gentleman had recommended them to try experiments on iron-cased ships—on the *Warrior*, for instance—and see if they could not batter to pieces almost the only iron-cased ship we had got. He (Mr. Henley) did not think it a very satisfactory course to build up a ship at a vast expense, and then batter her to pieces. It was not quite clear whether the idea of building iron-cased ships did not first come from us, although the French had worked it out more rapidly and continuously. We had waited to see whether modern artillery would batter these plates or not. It was now quite clear that, under all circumstances, we must go on. He did not think the country had any choice in that respect, but he disagreed with the hon. Member (Mr. Lindsay) in thinking that this was a matter to be regarded as one of hostility on the part either of France or England. The hon. Member had no right to say that it was any proof of hostility on the part of France to choose to have a navy. The French always had a navy. We destroyed it at the time of the Revolution, but France chose to have a navy again. Nor was it a proof of hostility if France thought that iron ships were better than wooden ones. We ought to look at this question irrespective of France, and to take care that we had a navy equal not only to that of France, but all other nations put together. Every small State was building iron-cased vessels for itself. Unless we progressed with the same rapidity they exhibited, we should soon be in the minority. It was a great misfortune, but he did not see how it was to be helped. If we waited until men cunning in artillery battered the *Warrior* to pieces, and ascertained the number of plates that would resist shot from Armstrong guns, we should fall so much behind that when the pinch of the game came we should not be able to fetch it up. He held it to be the duty of the nation not to look with too jealous an eye at what the Government might do in the matter. The Government must do the best they could. No man could tell whether a ship plated in this or in the other way would succeed, and he did not believe that accurate information on such points would ever be gained until we were at actual war, an event which he sincerely prayed God would avert. Until then, however, we should not know whether big or little ships were best, or whether we were not better, as we had ever been, in smaller ships than our neighbours. We must trust to the Government upon these matters, and if they did their best not to be behind hand, he did not believe they would find the country, and at all events they would not find him, too apt to find fault with them because they had not adopted the course which experience afterwards proved to be the best. Unfortunately we should have to pay the piper, but that could not be helped. No necessary thing could be got without paying for it, and we must continue to pay for it. The hon. Gentleman opposite (Mr. Lindsay) had taken a very curious course in this matter, for he had expressed his disbelief of the truth of the Prime Minister's statement. [Mr. LINDSAY: I said nothing of the sort.] He had certainly so understood the hon. Gentleman, for he had said, "If it is true, take £5,000,000, but at the same time I do not believe it." The noble Lord had used the strongest possible expressions in saying that he knew his statement to be correct; and, speaking as the noble Lord did from his place as Prime Minister, if 100 persons had been sent by hon. Members just to look round them, open and shut their eyes when they liked, perhaps having no eyes to see with at all, he did not think that the reports of such people ought to be allowed by the country to weigh for one moment against the positive declaration of the Prime Minister from his seat in Parliament that he knew the facts he stated to be facts. He should cordially support the Vote.

LORD CLARENCE PAGET said, he considered the observations of the right hon. Gentleman to be so completely to the purpose as to render unnecessary any further statement in favour of the present Vote. He was sure the country would agree in what had fallen from the right hon. Gentleman, and, therefore, on that point he should not say another word. With respect to the hon. Member for Sunderland (Mr. Lindsay) he regretted that a gentleman of his knowledge and experience in shipping and love of country (for he had stated that very day that he was willing to vote any sum that might be necessary to put the navy on a proper footing) should have expressed himself as he had done in the face of being told officially, as he had been over and over again, of the increase of foreign navies in regard to iron-cased ships. Every word which his noble Friend at the head of the Government had stated he could affirm to be fact, and he could also inform the House that the increase in other navies was going on in a ratio corresponding with that of France. Austria was building two iron-cased ships; the King of Italy was building two, and had two others ordered to be constructed; and Spain was building two. So that there were not less than eight iron-cased ships over and above what were possessed by France, and he believed that Prussia, and, in fact, every continental nation were moving in the same direction. The right hon. Member for Carlisle had that afternoon asked whether the sum named as exhibiting the probable ultimate cost of the proposed ships was to go on over and above the ordinary Estimates of the next year. It was impossible to state anything with certainty for the future, but he was quite sure that his noble Friend the Duke of Somerset was anxious, inasmuch as there was to be that great expenditure in building iron-cased ships by contract, that there should be certain corresponding reductions made in the dockyard expenditure. He trusted that, if matters remained peaceable, and no unforeseen and unfortunate event occurred, in future years there would be a still further decrease of expenditure in the dockyards. That year the Government had decreased that expenditure by something like £300,000. The hon. Member for Finsbury (Sir Morton Peto) seemed to think that because the Government were going to build very large ships of iron, therefore, the Admiralty had changed their mind, and had given up the building of wooden ships. It would be very improper that such an idea should go forth. There was no intention whatever on the part of the Admiralty to give up wholly the building of wooden ships. As far as these very large sized ships were concerned he believed that wood has not strength for the purpose, but for corvettes, gunboats, and other small vessels, which must be maintained for the protection of British commerce all over the world, as yet iron vessels had been found no substitute whatever. Therefore, he trusted that it would not be supposed, because it was necessary to construct at once a certain number of very large iron-cased ships of iron, that in future there would be no further building or repairing of wooden ships in the dockyards. The hon. and gallant Member for Harwich (Captain Jervis) seemed to think that the *Warrior* no sooner than completed ought to be battered to pieces. That was not the intention of the Admiralty. What they were preparing to do was to carry on experiments against a target precisely similar to the side of the *Warrior*, and that target was now being constructed, and would, no doubt, be the object of very interesting experiments. He trusted his hon. Friend would not persevere in his opposition to the Vote, for in so doing he would be acting against the wishes not only of the House of Commons but of the country at large.

MR. DISRAELI: If I were to judge from a speech made a few nights ago by the noble Lord the Secretary of State for Foreign Affairs (Lord John Russell), and from the observations that have fallen from the noble Lord the Prime Minister on the present occasion, I should suppose that the good understanding between England and France was in great peril. Sir, that is not my opinion. Notwithstanding the rumours that are in circulation I believe that good understanding will be maintained; and I still hold the opinion which I have always expressed in this House, that upon that good understanding the happiness of the world and the cause of progress and civilization mainly depend. But how is it that questions of this irritating nature are mixed up with matters of business detail, such as those which ought to occupy the attention of the Committee of Supply this evening? There is no doubt that a great change has taken place in ship-building. There is no doubt that there is no country in the world so interested in ascertaining the best construction of vessels, and of vessels of war especially, as our own country. But it does not follow that because we feel it to be our duty to reconstruct the navy of England upon the undoubted principles of science which now are acknowledged, we should be supposed to be taking a course adverse to the interests of any other country, and especially to a country so near to us, with which our interests are so various and numerous, and with respect to which, whatever may be the occasional misunderstandings there is no doubt that the general tendency of our policy for nearly the last half century has been that of increased amity and increased good understanding. Well, is there any cause for this irritating discussion? Is it France that objects to the reconstruction of the English navy? Is it France that objects to our building iron ships? No one for a moment has ever hinted that there has ever been any protest from the other side of the water against the course which we are adopting. Well, I have yet to learn that we have felt it our duty to protest against the course which France is following. No one has maintained for a moment that France has not the right to establish a navy, and a navy of great power. She is justified in taking such a course by her geographical position, by her possessions, and by the general course of her conduct in various parts of the globe. But, then, it is said by some hon. Gentlemen that there is no termination, apparently, to this race of competition between England and France as to the respective positions of their navy; and I will admit that if every time we build new ships of war France immediately proceeds to build an increased number on her side, and if the moment we hear she is laying down new keels we are to enter into an indefinite competition with France —I admit that such a state of things would be most hostile, and perhaps, fatal to the interests and fortunes of both countries. But what is the use of governments? What is the use of diplomacy? What is the use of cordial understandings, if such a state of affairs can take place? I speak, of course, now with great deference to the Government on this subject; and I hope with that reserve which is befitting one of my inferior position compared with that of Her Majesty's Ministers on this subject. But, certainly, I have always been under the impression, at least so long as I have had any intimate acquaintance with public affairs, that, on the part of the French Government, there has certainly been for many years past a perfect willingness to come to an understanding with the Government of this country, if not in an absolutely definite sense, yet, generally speaking, as to the relative proportions of the naval powers of the two countries. That understanding has been by France candidly expressed and voluntarily offered, for France has always been ready to acknowledge that there should be a superiority—I will not say a supremacy, but a superiority, and a great superiority, too, on the part of England, in natural consideration of the undoubted superiority in military power possessed by France. I am under that impression. I cannot doubt that there is to be found on the part of the Government of France a readiness to come to an understanding as to the definite proportion which should exist between the naval powers of the two countries. Well, if that be the fact, and I cannot believe that any one will deny the accuracy of that fact, then I say that we do see the end of this reconstruction of the naval power on the part of both countries—that there is no danger of that indefinite and fatal and ruinous competition which has been referred to, and that we ought to see before us the point at which this vast expenditure should cease. Well, Sir, if these be just views—if I am not mistaken in the facts to which I have referred—it is in the power of the Minister of this country to tell us that, no doubt, under existing circumstances, it is the duty both of England and France to reconstruct their naval power; but that they do this with the understanding that it is not that they have entered into a reckless competition on this subject, but that they have arrived previously at some grave political conclusion upon it, and that it is understood between the two countries that when that reconstruction has taken place it shall be accepted on the part of France that the superiority of the maritime power of England, the naval force of England, shall not be a subject of jealousy to France, but that she is prepared to willingly accept that naval superiority as the natural and inevitable result of the circumstances of the British Empire; France at the same time expecting from us that we shall exhibit no unjust or unnatural jealousy of her equally necessary military superiority. If the noble Lord at the head of the Government would only come forward and tell us this, with all the authority which waits upon the expression of opinion and upon the statement of a Minister, and especially one so experienced and influential as himself, a better understanding on this subject I cannot help thinking would prevail. I think on the part of the French people there would not be that hostile jealousy and that irritable feeling which I am sorry to see when debates of this kind take place; and on the part of England there would not be that undignified panic and readiness for reckless expenditure, which I for one entirely deprecate. Am I right or wrong in maintaining the expediency of this course? The noble Lord can tell me that I am labouring under a delusion if such be the case, and that it is a mistake to suppose there exists between the statesmen of the two countries that generous and wise and politic understanding as to the relative proportion of the naval force of each to which I have adverted. If he makes such a statement then I may be induced to believe that the wildest suggestions which I have heard in this House upon this subject may have some authority. But if the noble Lord can assure us—and I am unable to bring myself to doubt that he can—that the understanding of which I speak exists and that France, while establishing—as she is in my opinion perfectly justified in doing—a navy equal to the exigencies of her position and all claims on her power and patronage that may arise, is willing at the same time to acknowledge that she views with no jealousy on our part the reconstruction of our naval power in conformity with recent scientific changes and discoveries, on a scale greatly superior to that which she has fixed upon as the term of her exertions—if, I repeat, the noble Lord can give us that assurance it will, I have no doubt, have the effect of putting an end to the vexatious controversies in which we have been in the habit of indulging of late, and throw light on the subject. If, however, the noble Lord can do this I can hardly think he is justified in rising as he does on every occasion when discussions of this kind take place, and seeking to impress on the public mind that it is in consequence of unexpected and almost unnatural efforts on the part of France that he feels obliged to call upon the country to make exertions by which those efforts might be overpowered. For my own part, I hold that both nations need not stand with respect to this question in a hostile, invidious, or competing position. They are both great Powers with vast demands on their maritime influence, are placed in consequence of the revolution which has of late years occurred in naval affairs in a situation in which both are called upon to make great efforts to establish an adequate naval force. Instead, therefore, of looking upon one another under those circumstances in a criticising and hostile spirit, the leading statesmen, at all events, of each ought to use every effort in their power to enlighten the public mind, and to point out that the exertions which are being made to create those naval armaments are the inevitable result of that march of science which neither men nor nations can resist, that both countries, so far as can be judged, are justified in the adoption of the course which they are pursuing, and that nothing has hitherto occurred in reference to this question which England on the one side, or France on the other, can fairly impugn. But, that being the case, the interference of statesmen may bring about this result, that there shall be on neither side excess or extravagance of action; that there shall be no unnecessary or wasteful expenditure, and that instead of the people in both countries being oppressed, owing to rival exertions, care should be taken that, mutual understanding should exist that the naval power of each should not exceed the amount which the interests of each demand. Well, I say, if these grounds were placed fairly before the House—if the noble Lord called upon us to make those exertions in consequence of that great revolution in naval affairs, and at the same time should assure us that there is not an insane race of competition for naval power between England and France, then the Governments of the two nations would have each before them definite objects, and which when obtained need not endanger the peace of Europe, but rather consolidate and secure it. We should end unfounded sources of panic, and these circumstances, no doubt very distasteful to the population of both countries who have to pay for the expenditure, would not be a source of misunderstanding, but, on the contrary, would be clearly apprehended, and would tend rather to peace than to those hostile sentiments so often referred to.

Mr. WHITE said, he had heard with pleasure the sentiments which the right hon. Gentleman had so admirably expressed, differing, as they did, materially from those which appeared to find favour on the Opposition benches in the earlier part of the Session. It was evident the right hon. Gentleman looked upon the responsibilities of office as not very remote, and that he now deemed it the more statesmanlike course to adopt to come round to views which it was some time ago the fashion to regard with abhorrence when uttered by hon. Members who sat below the gangway on the Ministerial side, while every expression of hostility to France was greeted by the followers of the right hon. Gentleman with cheers. But, passing from the speech of the right hon. Gentleman, he had to complain that categorical answers had not been returned by the noble Lord the Secretary to the Admiralty to the questions which had been put to him by the hon. Member for Sunderland. He should, however, again put those questions to the noble Lord, and if he declined to reply to them, it only remained for him, in conjunction with his hon. Friend, to take the sense of the House on the subject. If the required information were not furnished, the probability was he would find, on taking up the *Moniteur* in a few days, a flat contradiction given in its pages to the statement of the noble Lord at the head of the Government, and he wished, therefore, to have some more detailed knowledge with respect to how matters really stood. The questions he had to ask the noble Lord the Secretary for the Admiralty were—what were the names of the six iron vessels now afloat to which allusion had been made? Where were the ten new vessels being built or laid down, and the eleven floating iron-cased vessels to be found?

SIR FREDERIC SMITH said, these were points of detail which should be left to the Government. The noble Viscount at the head of the Government had assured the Committee that such a force was in course of construction in the French ports, and upon a former occasion the Secretary to the Admiralty gave the names of the vessels and the places where they were to be found. He hoped the Government would proceed with all possible speed in getting up the strength of our navy.

LORD CLARENCE PAGET: I rise to give the information which has been asked for by the hon. Member for Sunderland with respect to the French iron-plated ships. The *Magenta* and the *Solferino* are two-deckers. The *Magenta* is launched, and the *Solferino* is either launched or will soon be so. The *Gloire* is afloat, the *Normandie* is afloat, the *Couronne* is afloat, the *Invincible* is afloat, the *Saigon* is afloat, the *Palestro* is afloat, the *Tonnante* is afloat, and the *Devastation* is afloat. Here we have ten vessels, two of them line-of-battle ships, four of them with 36 or 40 guns each, and four belonging to that formidable class which the French call floating batteries. We have then the *Provence*, the *Savoie*, the *Revanche*, the *Magnanime*, the *Gauloise*, the *Valeureuse*, the *Heroine*, the *Surveillante*, the *Flandre*, and the *Guienne*. These vessels — improved *Gloires*—were commenced in the early part of this year, and are all in course of construction. We have besides the *Congreve*, the *Lave*, the *Foudroyante*, the *Paixhans*, and the *Peiho*—all floating batteries. There are two other vessels, the names of which I do not know, and as to which I have not such correct information, but I believe they are being built as floating batteries. The *Magenta* is at Brest, the *Solferino* is at L'Orient, the *Gloire* is at Toulon, the *Normandie* is at Cherbourg, the *Couronne* is at L'Orient, the *Invincible* is at Toulon, the *Provence* is at Toulon, the *Savoie* is at Toulon, the *Revanche* is at Toulon, the *Magnanime* is at Brest, the *Gauloise* is at Brest, the *Valeureuse* is at Brest, the *Heroine* is at L'Orient, the *Surveillante* is at L'Orient, the *Flandre* is at Cherbourg, and the *Guienne* is at Rochefort. Altogether, the French have 16 large iron-plated vessels and 11 floating batteries, either afloat or in course of construction. Is any further information wanted?

SIR JOHN PAKINGTON: I stated this morning that I entirely approve the course which the Government have taken in proposing this estimate, and I should not have troubled the Committee again had it not been for an error into which the hon. and gallant Member for Harwich has fallen with respect to the cost of these iron-cased ships. The hon. and gallant Member stated that we might take these ships as costing half-a-million each. [Captain JERVIS: With their armaments.] Even with their armaments the estimate of the hon. and gallant Member is exaggerated. The most expensive of these ships is the *Warrior*, and yet I think I am right when I state that the whole cost of the *Warrior*, excluding the armament, will not be much, if at all, more than £300,000. The sum is enormous, no doubt, but still, as the expense is so large, it is desirable that it should not be overrated. The hon. and gallant Member will recollect that of the eighteen ships which are promised—twelve in progress and six proposed to-day—nine are to be of the *Warrior* class, and the remaining nine will consist of the four which the Admiralty are now building of considerably smaller dimensions, and of the five small wooden ships which were promised some time ago. It will be seen, therefore, that of the whole eighteen ships one half will cost only three-fifths of the sum which the hon. and gallant Member has estimated, and the other half will cost very much less. And now I must say that I have heard the hon. Member for Sunderland to-night with great regret. This morning the hon. Member told us that whatever number of ships the French may have we ought to have more. I was sorry to hear him this evening, I will not say retracting that expression, but declaring that if he stood alone he would vote against the proposal of the Government. On what ground? Because he did not believe their statements. After what the hon. Member has now heard I think he must abandon everything like disbelief, which, indeed, he had no right to entertain before. The statements which he refused to credit rested upon unimpeachable authority; the evidence was conclusive, and the hon. Member might as well have said that he did not believe this was the House of Commons. I agree with my right hon. Friend the Member for Bucks that the question before us is not one of a foolish rivalry between England and France. The right of France to have a large navy has never been disputed; but, on the other hand, we must take care to maintain the same right for England. We have the largest colonial empire and the most extended commerce in the world, and it is our first duty to provide ourselves with an adequate naval force. I thoroughly approve the proposal of the Government, in which I see nothing hostile to France, and I hope it will meet with the approbation of the Committee.

LORD HARRY VANE said, he had no doubt his hon. Friend the Member for Sunderland, after hearing the statement of the noble Lord the Secretary for the Admiralty, would at once accede to the propriety of this Vote. He did not believe there was any panic in this country, but he was quite convinced the temper of the people would not tolerate that we should be left behind any other country in our naval armament. The proposal of the Government, which had been somewhat tardy, would be found in unison with the public sentiment. It was absolutely called for; and he was not without a hope that the strength of our naval armament would enable us to make reductions in other departments.

MR. LINDSAY said, that after the statement which had been made by the noble Lord at the head of the Government, and by the noble Lord the Secretary to the Admiralty, that there were in France six powerful iron-clad ships now afloat, and eleven floating batteries, while there were ten iron ships in the course of construction, he should no longer oppose the Vote. That statement, however, was entirely at variance with the information he had received from high authorities in France. But he could not do otherwise than accept the declaration of the noble Lord, and he could not, therefore, take upon himself the responsibility of dividing the Committee upon that point. If what the noble Lord stated was correct he was desirous that the Vote should pass unanimously. But it was a serious subject for consideration how long that rivalry between this country and France was to go on, and he thought they ought to consider well the suggestion that had been made by the right hon. Gentleman the leader of the Opposition. The Government should, at least, make an attempt to come to an understanding with France, for the purpose of preventing this rivalry of expenditure. He could confirm what the right hon. Gentleman had said. France would not be the last to move, and if some arrangement was not made, it would not be the fault of France, but their own fault.

Vote *agreed to.*

SUPPLY.—ARMY ESTIMATES.

Motion made, and Question proposed,

"That a sum, not exceeding £206,629 10*s.* 9*d.*, be granted to Her Majesty, to defray the Excess of the Army Expenditure, beyond the Grants for the year ended the 31st day of March, 1860."

GENERAL PEEL said, he had no wish to renew the discussion which had taken place on the previous day, or to object to the passing of the Vote. He must say, however, that there was nothing in the explanation of the Chancellor of the Exchequer or the Under Secretary for War to alter the opinions he had expressed. He entirely disclaimed any intention, which had been imputed to him, to make a personal attack on the late Secretary of State for War. He had doubted the accuracy of his figures from the first, and he should not have discharged his duty if he had not come forward and stated wherein he thought his calculations were mistaken.

MR. T. G. BARING said, that he had not stated that the right hon. and gallant Gentleman had made any personal attack on Lord Herbert of Lea, and he (Mr. Baring) had only defended the statement which had been made last year by his noble Friend against the observations of the right hon. Gentleman. No words had fallen from his lips which could lead any one for a moment to imagine that he had supposed that the right hon. and gallant Member meant a personal attack on Lord Herbert.

SIR HENRY WILLOUGHBY said, he should move that the Vote be reduced to £183,595. That was a remarkable instance of their total loss of control over the public money in consequence of the alteration which took place in 1845 in the Appropriation Act. They had no control over the expenditure either of the army or navy. In fact, he found that a million had been expended without the authority of Parliament, which he thought was too serious a matter to be passed over without notice, as it showed that that House had lost its control over the expenditure. He wished to ask whether in the last two months of 1859-60 there was not an excess in each of 9,559 and 11,327 respectively above the number of men voted by Parliament? He further wished to know whether any portion of the Vote in excess arose out of that excess in the number of men, and if not, from what source was the pay of that extra number defrayed? There were also two payments in the army grants which he thought were utterly indefensible, and upon which, unless satisfactorily explained, he should take the opinion of the Committee. One was a sum of £14,212 on account of the survey of London, and the other £8,820 for the survey of towns. It was stated that those works had been executed by the Board of Ordnance, respectively at the request of the Commissioners and the Board of Health; but, if that were so, those bodies should pay the expense, which could not legitimately be regarded as an army expenditure.

Mr. T. G. BARING said, that there was certainly an excess upon some of the Votes; but, of the million spoken of by the hon. Baronet, £600,000 was expended for services caused by the China War, and was, therefore, properly charged to the Vote of Credit for that war; £200,000 was met by the savings upon other Votes, and the remaining £200,000 was the Vote now asked for. The excess upon the Votes did not arise from any excess in the number of regular troops, but from an excess in the number of the embodied militia, the excess in the number of regular troops in the months to which the hon. Baronet had referred was covered by their numbers having in others months been below the estimate. With respect to the two items which the hon. Baronet complained should have been charged to army services, the reason was that the work was originally done by the Ordnance Survey, which though strictly a civil service, yet was included in the Army Estimates. The money due on account of that work was partly repaid by the Board of Health. Those two balances, however, were left over, and as it was found impossible to get the money, the Treasury decided that the sum should be borne by the army Votes.

General PEEL said, he thought the hon. Gentleman had not met the case that had been put. There was an excess of expenditure of £973,000 upon five Votes.

How was that excess met? The Vote of Credit was not moved until March 19, and, of course, the money had then been spent. There was no doubt when the Vote of Credit was taken it was applied to meet the excess as well as all the savings upon other Votes; but it appeared that the authority of the Treasury was only given on the 2nd of April this year. Before the 14th of March he had asked his hon. Friend three questions — first, whether any portion of the 500,000 was to be appropriated to meet the expenditure upon the ordinary estimate, and the reply was, "None." The second question was whether the Treasury had given authority to appropriate the surplus upon other Votes, and the answer was in the negative. The third question was whether there would be any further Vote in excess, and the answer was "None." Now, he found that all the Vote of Credit, all the savings upon other Votes, had been disposed of before the expiration of the financial year. He had stated in March last year that £500,000 would not cover the excess of army expenditure, but that a further half million would be required. It now appeared that he was so far wrong that, instead of £500,000, the excess was £973,000.

Sir HENRY WILLOUGHBY said, that from the Returns he had moved for it appeared that the number of men voted for in 1859-60 was 122,659, and the number that was borne and paid out of the British Exchequer on the 1st of March, 1860, exclusive of the embodied militia, was 132,233 men, so that more than 10,000 men were kept and paid beyond the number voted by Parliament, which was unconstitutional. With regard to his Motion, it came to this, was a debt, whether it belonged to the Army or not, to be paid out of the Army Estimates? They might as well apply the money to the embankment of the Thames.

Mr. PEEL said, he thought the hon. Baronet did not understand the question. The particular sums were irrecoverable debts due to army funds, and the only question was whether these sums should remain outstanding debts, or whether they should be charged to army grants. In 1848 the Commissioners of Sewers applied to the War Department to make a survey of London, they undertaking to repay the expense. The survey was made, and £10,000 paid on account, but when application was made to the Commissioners for the balance they said they could not pay without legislative sanction. The matter stood over, and when application was made to the Metropolitan Board of Works, in 1858, they objected to pay, upon the ground, among others, that if the Commissioners of Sewers had waited the survey would have been made for them gratis, there having been a survey made of the whole of England. The charge of £8,000 was made for surveys instituted by the Ordnance Department at the request of the Boards of Health of various towns, on the understanding that the local boards would pay for them, which they afterwards declined to do.

General PEEL said, that the number of men voted by Parliament in 1859-60 was 122,650. At that time the number of men below the Estimates was 20,000, but they were represented by the embodied militia, and he deducted from the pay and allowances £125,000, which he took for the militia. The money taken exactly corresponded with the number of men. What he wanted to know was out of what fund the expenditure of £973,000 was absolutely paid. Was it by appropriating the surplus of other Votes?

Mr. PEEL said, that the Treasury gave authority for the issue from the Exchequer of the aggregate amount of the Votes on the Army Estimates, and they had no power of telling from day to day whether the amount of any particular Vote was exceeded or not. When the sum for 1859-60 was exhausted, application was made for a Vote of Credit, and then the Treasury gave authority to draw from the Exchequer on the Vote of Credit.

General PEEL said, that the surplus of one financial year had clearly been devoted to meet the expenditure in excess of a previous year. He should like to know where the money was held during the interval.

Colonel DUNNE said, he wished to know by what authority the Board of Ordnance had instituted these surveys of towns and sewers?

Colonel DICKSON said, he had never heard a more extraordinary statement than that of the right hon. Gentleman (Mr. Peel), that the hon. Baronet (Sir Henry Willoughby) did not understand what he was talking about. It now appeared that the ignorance was altogether on the side of the right hon. Gentleman. Earlier in the Session he had expressed an opinion that the Military Estimates would be nearer £16,000,000 than £14,500,000, the amount when they were first brought in. The House had, however, been called upon to vote for military expenditure alone, during the present Session, a sum little short of £17,000,000. He believed that such an expenditure was totally uncalled for, and that it was not distributed in the manner most serviceable to the Army.

Sir WILLIAM VERNER, in rising, pursuant to notice to call attention to the appointment of Roman Catholic chaplains for the army, said, that every one who got a commission in the army and navy was expected to be a gentleman. It was also universally admitted that all the persons appointed as chaplains had been educated at the College of Maynooth. He said that in many instances these chaplains originally came from a very low class of society, and were, therefore, unfitted to associate with and attend upon officers in the army. He pointed out other inconveniences connected with the appointments, and complained of the great increase in their number of late and the consequent augmentation of expense.

Motion made, and Question put,

"That a sum, not exceeding £183,596 13*s.* 2*d.* be granted to Her Majesty, to defray the Excess of the Army Expenditure, beyond the Grants for the year ended the 31st day of March, 1860."

The Committee *divided:* — Ayes 45; Noes 52: Majority 7.

Original Question put, and *agreed to.*

(3.) £637,000, Disembodied Militia.

Mr. W. WILLIAMS remarked upon the enormous standing army kept up, and pronounced it to be unnecessary, considering the great Volunteer force which had sprung up. He would begrudge no funds for making the navy equal to meet all comers; but the army was preposterously large. He objected to the Vote for the disembodied Militia, believing that body to be very inferior to the Volunteers.

Lord BURGHLEY said, he hoped that something would be done for the Militia surgeons, who were most inadequately remunerated for their services. He suggested that that they should either receive permanent pay on the Staff, or have a certain amount of lodging-money allowed to them.

Colonel DUNNE remarked that Ireland must be very badly off, for, as it was not allowed Volunteers, it had to put up with, according to the hon. Member for Lambeth, a very defective militia force.

But his estimate of the latter force was very different from that of the hon. Member. The efficiency of the force, however, very much depended on the Inspectors. Hitherto officers of the Line only had received those appointments. He thought the Inspectors should hold commissions in the militia. With regard to the lodging-money of the Serjeant-Major (4*d.* per day) it was only the mere pay given to a private in the army. He considered it ought to be increased, for the Serjeant-Major had many responsibilities resting upon him. He objected to the item of £500 for rewards for discovery of deserters, considering money so spent ill-spent. He thought instructors in musketry ought to be supplied by the Government. The Adjutants were too much occupied to be able to perform this duty. With these alterations he thought the Militia would be made perfectly efficient.

COLONEL GILPIN said, he believed that if half the attention were paid to the Militia that was devoted to Volunteers the former would be as fine a force as the country could possibly have to fall back upon.

MAJOR WINDSOR PARKER said, that the Volunteers and the Militia were drawn from very different classes of the community, and there was a difference between their motives for enlistment, but the only rivalry between the two forces was in their desire to be of service to their country.

MR. T. G. BARING said, he fully concurred in the observations of the hon. and gallant Member (Major Parker). He considered an officer of the Line had full power to inspect. The question raised by the hon. and gallant Member (Colonel Dunne) as to lodging-money and desertion would be taken into consideration. Arrangements were being made for supplying instructors in musketry to the Militia, and due consideration would be given to the other suggestions made by the hon. and gallant Member who had addressed the House.

Vote *agreed to.*

(4.) £30,000, further charges for Volunteer corps.

MR. DARBY GRIFFITH said, he thought it was a miserable sum, and that, unless the Government acted more liberally towards the Volunteers, the movement would ultimately fail.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow.*

Colonel Dunne

SUPPLY—REPORT.

Resolution *reported.*

MR. HENNESSY said, he wished to know whether the hon. Member for Liskeard (Mr. B. Osborne) had correctly stated last night that the fresco of King Lear had been seriously injured by decay.

MR. COWPER said, that any one who would take the trouble to use his eyesight would see that the fresco had sustained no injury, and that the figure of Cordelia was in as perfect a state as when the late Sir Robert Peel had referred to Mr. Herbert's noble work as fully justifying all the money expended upon the House in frescoes.

Resolution *agreed to.*

WAYS AND MEANS.

Order for Committee read.

APPROPRIATION BILL.—QUESTION.

LORD ROBERT MONTAGU said, he wished to know, Whether the Appropriation Bill would be printed, and in the hands of hon. Members, before the second reading? He should be glad also to know why the usual Appropriation Clause, the most important of the Bill, had been omitted from the Bill in the second Session of 1857 and again in the second Session of 1859?

THE CHANCELLOR OF THE EXCHEQUER said, that so far as he was aware, the printing of the Appropriation Bill was conducted by the officers of the House, and the Treasury had not interfered with it. A regular account was kept by the clerks of the House of the Votes in Supply, which was checked by an account kept by the Treasury. Therefore, the accuracy of the Appropriation Bill depended on the accuracy of these accounts. Whether the Bill should be printed or not was more a matter for the consideration of the House than the Government. He could not say why the clause was omitted from the Act of 1857, as he was not then a Member of the Government.

LORD ROBERT MONTAGU: Will the right hon. Gentleman say why it was omitted from the Act of the second Session of 1859, when he was Chancellor of the Exchequer?

SIR HENRY WILLOUGHBY said, he trusted the Chancellor of the Exchequer would make no difficulty about printing the Appropriation Bill, which ought to be in the hands of hon. Members.

THE NEW SECRETARY FOR IRELAND.

QUESTION.

MR. WHITE: I beg to ask a question of the noble Viscount at the head of the Government. A new writ has been moved for Tamworth, and I wish to ask, Whether the hon. Baronet has really been appointed Secretary for Ireland; and, if so, whether he is still a member of the Carlton Club?

VISCOUNT PALMERSTON: Sir Robert Peel has accepted the office of Secretary for Ireland. In regard to the Carlton Club, I am not in the secrets of that body.

WAYS AND MEANS.—COMMITTEE.

(In the Committee.)

1. *Resolved,*

"That, towards making good the Supply granted to Her Majesty, there be issued and applied, to the service of the year 1861, the sum of £424,207 7*s*., being the surplus of Ways and Means granted for the service of preceding years."

2. *Resolved,*

"That, towards making good the Supply granted to Her Majesty, the sum of £32,605,936 11*s*. 5*d*., be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

House *resumed.*

Resolutions to be reported *To-morrow.*

WINDSOR SUSPENDED CANONRIES BILL—CONSIDERATION.

Order for Consideration, as amended, read.

MR. CAVENDISH BENTINCK said, he should move, after Clause 1, to insert the following clause:—

"The said Ecclesiastical Commissioners shall hereafter pay over to the said dean and canons, or permit them to retain, one half-part of the share of divisable revenues of one other of the said suspended canonries, and the said dean and canons shall pay and apply the same unto and equally between the said vicars choral, in augmentation of their present emoluments."

The adoption of that clause would only do justice to the vicars-choral, who were in his opinion fully entitled to the provision which he desired to make for them.

Clause *brought up*, and read 1°.

MR. H. BERKELEY said, that all gentlemen who were desirous to secure the proper performance of the services of the Church of England, especially in our cathedrals, ought to support a proposal for giving a fair remuneration to the lay clerks, whose position had during a long series of years been continually becoming worse and worse, and whose emoluments were now entirely inedequate to the proper remuneration of their services. He should, therefore, vote for the clause.

SIR GEORGE LEWIS said, he was sorry that it was not in his power to accede to this Amendment. He had already carried the proposal for dealing with the suspended canonries to the furthest limit to which it was expedient to go. The hon. Member for Bristol had spoken of the vicars-choral as though they were clergymen, but in fact they were nothing more than the singing men of the choir. It was quite competent for the Ecclesiastical Commissioners to raise the stipends of the vicars-choral out of the Cathedral funds without legislative interference.

MR. G. W. HOPE observed that he should be happy to see further remuneration granted to these persons.

MR. VANSITTART observed that, even if the right hon. Gentleman agreed to the Amendment, the revenues of five and a-half canonries would remain to the Commissioners. He thought that the claim of the vicars-choral was a very just one.

Motion made, and Question put, "That the Clause be now read a second time."

The House *divided:*—Ayes 27; Noes 44: Majority 17.

LORD JOHN MANNERS observed that the whole tenor of modern legislation had been to respect the local claims of parishes, and he, therefore, wished a clause to be introduced to the effect that the Ecclesiastical Commissioners should have due regard to such claims before they appropriated tithes. The great tithes of Wraysbury, which were £392 a year, were proposed to be given to the Military Knights and the two livings of Windsor. The net revenue of the clergyman of the parish of Wraysbury was £86 a year without any house to live in. They ought first to satisfy the just claims of that parish, and then he should have no objection to improve the condition of the Military Knights of Windsor.

Clause (Local claims in respect of Tithes) *brought up*, and read 1°.

SIR GEORGE LEWIS said, that if neither the clause nor the Bill were passed the proceeds would go to the Ecclesiastical Commissioners, and would be appropriated to increase the small livings generally, but not necessarily the living of Wraysbury. The Chapter of Windsor was on a totally different footing. The other chapters were no precedent for it, nor was it a precedent for the other chapters. The proposed arrangement was fair and equitable, and he hoped the Committee would not assent to the anomalous clause proposed by the noble Lord.

MR. G. W. HOPE said, that Wraysbury would be left by the Bill precisely as it was before, and, in fact, Wraysbury had no claim.

MR. VANSITTART said, he hoped the noble Lord would not put the Committee to the trouble of dividing.

Question, "That the Clause be now read a second time," put, and *negatived.*

Clause 2 (Appropriation of Profits of Eighth Canonry to Churches),

MR. E. P. BOUVERIE said, that if they went on nibbling in this way at the source of revenue of the common fund of the Ecclesiastical Commissioners, they would very soon have other claims as irresistible, and the common fund would disappear. It was a retrograde step in legislation which was gradually bearing fruit with the greatest possible advantage. He, therefore, felt it his duty to divide the Committee against the clause.

SIR GEORGE LEWIS said, he did not propose the clause as part of a general policy, and it would not become a precedent.

LORD JOHN MANNERS supported the clause on the ground that it recognized local claims.

SIR JAMES GRAHAM observed that whatever specialty might have been in the case of Windsor there was a waiver on the part of the Crown of its rights. If the clause received the sanction of Parliament it would reverse the principle on which the common fund was placed.

MR. WALTER said, he thought that it was a great oversight in the composition of the Ecclesiastical Commission that some stipulation was not laid down that parishes, the tithes of which were dealt with, should be considered in reference to their spiritual wants before the money was applied to other purposes. But that was not proposed to be done by the present Bill, and he could not support a clause which established in that case exceptional legislation, which was not applied to other cases.

MR. HENLEY observed that if the clause passed the common fund would be gone.

Motion made, and Question put, "That Clause 2 stand part of the Bill."

The House *divided:*—Ayes 39; Noes 13: Majority 26.

Sir George Lewis

Clause 3 (Mode of ascertaining Amount of Payments to be retained),

ADMIRAL WALCOTT said, he would propose an Amendment in Clause 3, the effect of which would be to exclude commanders and masters in the navy from the privileges of naval knights. The intention of the bequest was that these persons should be exclusively lieutenants in the navy.

Amendment proposed, in Clause to follow Clause 3, line 5, to leave out from "knights" to "it," in line 7.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Amendment *negatived.*

Bill to be read 3° *To-morrow.*

House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS,

Saturday, July 27, 1861.

MINUTES.] PUBLIC BILLS.—1° Consolidated Fund (Appropriation); Militia Ballots Suspension; Parochial Offices; Local Government Supplemental (No. 2); Militia Pay.

2° Metropolitan Police District Receiver.

3° Windsor Suspended Canonries; Gunpowder, &c., Act Amendment; Episcopal and Capitular Estates Act Continuance, &c.; Edinburgh University; Revenue Departments Accounts.

SUPPLY—REPORT.

Resolutions *reported.*

LORD HENRY LENNOX said, he should not put the Motion of which he had given notice relative to the National Gallery. He wished, however, to ask the right hon. Gentleman the Chief Commissioner of Works whether it was true that plans had been prepared by Mr. Pennethorne to throw out a wing for the reception of Turner's pictures bequeathed to the nation, and whether an estimate had not been prepared for the whole plan by Mr. Pennethorne? He should also be glad to know whether the matter was not in such a mature state as that an application had been made to the war authorities for permission to take a portion of the exercise ground of the barracks. If that were so he would ask that no steps should be taken during the recess without the sanction of Parliament. Such expenditure he considered as wholly unnecessary, because the time fixed under the will of Mr. Turner for placing the pictures in the National Gallery would not expire until the 16th of December, and Sir Charles Eastlake, the President of the Royal Academy, and director of the National Gallery, had stated that there was plenty of room in the present gallery where the pictures could be placed without incurring one shilling of expense to the public. There being, therefore, no necessity for any expenditure of this kind, he was anxious to obtain a pledge from the right hon. Gentleman, the First Commissioner of Works, that under no circumstances would any plan of the sort be carried out until the sanction of the House of Commons had been obtained for such a step.

MR. BAILLIE COCHRANE said, he desired to impress upon the Government the propriety of not commencing any works of that description until the whole subject had been fairly discussed in the next Session. There could be no doubt that the whole of our national buildings were in a disgraceful state, owing to the want of harmony and unity, and it was of great importance, not only on account of the interests of art, but of economy, that opportunity should be afforded of considering some comprehensive system.

MR. COWPER said, he thought it rather hard that the hon. Gentleman should imply that there was any desire for incongruity of design in the public buildings on the part of the Government. The argument chiefly relied upon by the Government for building the new Foreign Office in the Palladian style was that that style would be most in harmony with the buildings in its vicinity, whereas the hon. Member was in favour of a Gothic design, which would be in contrast with them. He had to state in reply to the noble Lord that there was no plan of Mr. Pennethorne's for a National Gallery in such a state of maturity as that it could be produced. The question as to where the national pictures should be placed had been under consideration by the Government for two or three years, and had been before the public for fifteen years. The difficulty had arisen out of the possession of two good sites—Trafalgar Square and Burlington House. If they had only one site, the appropriation of a plan to it would be comparatively easy; there would be no difficulty in building a gallery over the back of the barrack-yard at a trifling expense, as it would not require much architectural ornament. ["Oh! oh!"] He meant that, not being seen from any thoroughfare, being seen only from the waterworks in Orange Street, it was not of consequence that the gallery should be of a very ornamental character. The cost would probably be about £25,000. He must say, however, that no plan had been prepared on which the Government had been able to come to any decision; but he trusted that plans would be ready before the House was asked to agree to any Estimate next year. The noble Lord wished him to give a pledge that during the recess under no possible contingency would any money be spent on a National Gallery that had not received the sanction of Parliament. At first, he thought the request rather absurd, because he was not contemplating any expenditure that had not received the sanction of Parliament, but, on reflection, he perceived the question of the noble Lord to be not so very unreasonable, as the Government of which the noble Lord was a Member actually did the very thing that he now wished not to be done. [Lord HENRY LENNOX: A burnt child dreads the fire.] Then the noble Lord, with a guilty conscience and stung with remorse, was haunted by the apprehension that he (Mr. Cowper) would follow the bad example of the Government of which he was a Member. He could hardly tell what the noble Lord was driving at—whether he wanted to throw blame on the Royal Academy—[Lord HENRY LENNOX: No!]—or whether he wished to protect the public mind from pollution from Turner's pictures; for the noble Lord informed the House the other day, to the great astonishment and indignation of the admirers of Turner's pictures, that that great artist was guilty of pruriency. No man had a higher love of pure nature, or could better represent its noblest aspects than Turner; and the study of his works was calculated to improve, refine, and elevate all who were capable of appreciating them. The noble Lord must, therefore, be under a misapprehension when he attributed evil to Turner's paintings. The question put to him was whether he, as First Commissioner of Works, was ready to pledge himself that he would never do what had been done by the Government of the Earl of Derby in 1858. When Parliament was asked to Vote £10,000 which had been spent by that Government in building a gallery, they considered that the Government had acted for the public benefit in the emergency that had arisen, and voted the money. It might possibly happen that during the recess the National Gallery might take fire, or that some valuable bequest of pictures might be made on condition that within a stipulated time, which would expire before the opening of Parliament, they should be placed within the National Gallery. In the case of the fire it would be a very foolish thing not to repair the building; and in the case of a bequest of pictures of great value, every hon. Member would wish that a small sum should be expended in erecting a gallery instead of waiting for the Vote of the House. To resolve that it was inexpedient to take any steps for committing the House to spend money without the sanction of Parliament was to affirm a truism, yet there might be cases in which it was the least of two evils. So far as he was concerned, nothing but necessity should induce him to take upon himself the serious responsibility of spending the public money without the leave of the House, and he knew of nothing likely to render so improper a course necessary. With regard to the Turner pictures, if upon legal investigation it was found that they must be placed within the building by a certain date, there was no such immediate necessity as the noble Lord supposed to erect a building for them, as they might either be hung in the place of existing pictures, or they might be put in the National Gallery without being exhibited.

Mr. AYRTON said, he must apologize to the right hon. Gentleman for having exclaimed "Oh, oh!" but he confessed he never heard such a flow of observations upon so small a matter. There was no necessity for them, especially when they considered it was a Saturday meeting of the House. The only thing necessary was for the right hon. Gentleman to say that the Government had no intention to enlarge the National Gallery without the House first seeing the plans for the purpose. The right hon. Gentleman had opened up such a field of discussion, that if he (Mr. Ayrton) were to take it up there would be no end to the sitting.

Lord HENRY LENNOX said, that if a Member fell into error he owed it to himself and the House to correct it. He had received several letters complaining that he had asserted that some of Turner's pictures were of a prurient character. [An hon. Member: You said "drawings."] He had also received a letter from the executor of Mr. Turner, explaining that there were two or three sketch-books of that distinguished artist which were not allowed to be exhibited. They were not, however, finished drawings, and they did not, therefore, come within the terms of the will.

Sir JOHN SHELLEY said, that the exercise-ground of the barracks at the back of the National Gallery was quite as small as it ought to be, and if any portion were taken for the enlargement of the National Gallery it would be necessary to remove the barracks to some more convenient situation.

Colonel FRENCH said, he considered the answer of the right hon. Gentleman very satisfactory in reference to the National Gallery, but some departure from the principle laid down would be absolutely necessary in the case of the accommodation in the kitchens of the House of Commons.

Motion, by leave, *withdrawn.*

Mr. SELWYN said, that in a recent debate there had been a general expression of opinion on the part of the House that a liberal grant ought to be made on behalf of the Volunteer force. The two points upon which it was agreed Government aid ought to be given were—in furnishing drill instructors, and in assisting Volunteers in the acquisition of rifle ranges. Colonel M'Murdo stated the other day that the present number of the Volunteers might be estimated at 170,000, and the Government grant for instructors might be taken at about 2*s.* 4*d.* a head. It must be remembered that in extending the drill instruction of the Volunteer corps the Government were retaining in the army a very valuable body of men, and at the same time rewarding them for long and distinguished service. In regard to rifle ranges, the Volunteers had never asked the Government to supply them, but only wished to be allowed to acquire them for themselves without unnecessary expense. He had taken up the matter quite at the end of a Session, and the Bill he had proposed had not, therefore, passed in its integrity. The Volunteers now asked that the Act of Parliament should really be carried into effect by all the public departments, and that, if necessary, it should be amended. An excellent rifle corps at Kingston-upon-Thames, being unable to obtain a rifle range, made application for a rifle range in a retired part of Hampton Court Park, which they offered to prepare and make perfectly safe at their own expense. Their application was refused, on the ground that the firing would frighten the colts in the park. Whether these colts, being thoroughbred, were more likely to be frightened than others he could not say. [Sir JOHN SHELLEY: They would be less so!] But other horses became so accustomed to the firing that they soon ceased to notice it, and could scarcely be prevented from straying into the line of fire. The Surrey Militia when called out had not been able to fire a shot for want of range until they had been offered the rifle range of the Inns of Court Volunteers. He trusted that the new Secretary at War would see that the Volunteer corps were not hindered by any of the public departments in obtaining ranges which were absolutely indispensable to their efficiency. He trusted that next Session the niggardly Vote for drill instructors would be increased.

SIR JOHN SHELLEY said, that the greatest difficulty the metropolitan Volunteer corps suffered under was the want of rifle ranges, for the ground in the neighbourhood of the Metropolis was so expensive that none but the richer corps had any chance of acquiring a rifle range, even upon lease. He trusted that the right hon. Baronet (Sir George Lewis) would turn his attention to this subject, and see whether he could assist the Volunteer corps in obtaining ranges under proper regulations.

MR. T. G. BARING explained that there would be an expenditure on the Volunteers this year of £160,000, and as the Vote of £30,000 was for only a portion of the year the total Vote for Volunteers in the next year would exceed £200,000. That such afforded no evidence of a niggardly spirit on the part of the Government. With respect to the details of the payment of the drill instructors, that was a matter which might be safely left in the hands of Earl De Grey and Ripon, who would succeed him in the office of Under Secretary for War, the noble Lord having devoted a great deal of time and attention to the interests of the Volunteers. He had not heard of any complaints with respect to the carrying out of the Act for rifle ranges referred to by the hon. and learned Member, and he did not see in what respect the Government were to blame. He thought the corps to which the hon. and learned Gentleman belonged (the Inns of Court Volunteers) had not shown that cleverness or astuteness which they individually displayed, because, if they had provided themselves with a range, they would have obtained a grant from the Government.

MR. SELWYN said, the corps objected to receive the public money. They merely desired to obtain a range without being put to a large and unnecessary expense by the authorities at the War Office.

Resolutions *agreed to.*

WAYS AND MEANS.—REPORT.

Mr. MASSEY brought up the Report of the Committee of Ways and Means.

Resolutions *reported.*

SIR HENRY WILLOUGHBY said, that after the number of Supplementary Estimates which had been presented and voted, he wished to ask the Chancellor of the Exchequer whether he felt satisfied that the Ways and Means provived for the year would be sufficient to meet all the expenditure of the year. The right hon. Gentleman, in March last, had assumed that he would have a surplus of above £400,000, estimating the expenditure at a certain amount; but the expenditure had since considerably exceeded the Estimate, and he wished, therefore, to know whether sufficient Ways and Means were provided to meet the increase, and particularly the Vote for iron ships?

THE CHANCELLOR OF THE EXCHEQUER said, he felt obliged to the hon. Baronet for giving him the opportunity of stating a few details in reference to the subject brought under the notice of the House, and at the same time he must say that he entirely concurred in an opinion which had been expressed, that nothing was more inconvenient on all general grounds than the introduction of Supplementary Estimates. Supplementary Estimates ought never to be introduced, except for strong and special reasons, and he trusted the House of Commons would always require strong and special reasons to be stated why the charges included in Supplementary Estimates were not presented at the regular period, when the other Estimates were laid upon the table. The Votes now alluded to by the hon. Baronet might be accounted for on special grounds. The principal Vote relating to iron ships was one connected with a great exceptional operation, which he would not call the reconstruction of the Navy, but a great transition in the mode of building ships of war; and the other Votes partook of the same special character. The effect of the changes made in the Votes was that the Estimate for the Army, including the Vote for the Volunteers, had, upon the whole, been increased by a sum of about £17,000. The Vote for the Navy had been increased by a sum of about £247,000, which very nearly corresponded with the amount voted for the iron ships. A Vote of £30,000 taken for the dowry of a Member of the Royal Family belonged to the head of Civil Services, and required no explanation. The charge for the Civil Services had been increased by about £133,000, the reason of that being that, while a Vote of £155,000 was asked for in order to pay the amount agreed on in respect to the Stade Dues, there had been some small set-off on the other side, which reduced the increase to £133,000. The presentation of a Supplementary Vote on account of the Stade Dues, which, in conjunction with the Vote for the iron ships, might be said to constitute substantially the whole of the changes which had been effected in the Estimates, required no apology from him. That charge being dependent entirely on the conclusion of diplomatic arrangements in concurrence with other countries, it was impossible, and if possible, it would have been unconstitutional to ask the House of Commons to make, either in form or substance, provision for its payment until the instrument was concluded which made the desired concurrence a matter of certainty. Therefore, it was impossible to present that charge to the House with the ordinary Estimates of the year; but, when once the instrument was concluded, it would have been highly expedient to postpone the completion of the arrangement until another year, and thereby cause the trade of the country to continue to be subject to the inconvenience of the Stade Dues, while the trade of other countries would be liberated from it. Therefore, as to the amount of £400,000, without going into minor items, there were very special grounds to justify on the present occasion a practice which he nevertheless asserted to be highly inconvenient. In the Packet Service Estimates there was a change consequent on the termination of the Galway contract, and after making allowance for some trifling changes in the revenue department, the general result was that, whereas the Budget Estimate exhibited a surplus for the year of about £408,000, and the present excess in the Votes over the estimated expenditure amounted to £361,000, that surplus had very nearly disappeared, there remaining only the almost nominal amount of about £47,000. He was asked the question, whether he now felt reasonable confidence in the Ways and Means for the year, and he had to say in reply that, in the absence of any extraordinary circumstances such as could not be foreseen or counted on, he felt the utmost confidence in their sufficiency. The operation of one very important measure of last year, which appeared more or less in doubt when he made the financial statement, had since the commencement of the financial year been satisfactory—he meant the measure imposing an additional duty on spirits. The revenue was, upon the whole, in a satisfactory state, and more than equalled the expectations he had expressed about three months ago.

Mr. WHITE wished to know, whether it was true that the hon. Member for Southwark (Mr. Layard) had accepted office as Under Secretary of State. If it were true, it was not, in his opinion, so bad or questionable an appointment as that made in reference to the Chief Secretaryship for Ireland, an appointment which he hesitated not to say had carried the utmost dismay into the ranks to which he belonged in that House, as being evidence of a reactionary policy on the part of the Government. He had asked the other night whether the hon. Baronet was a member of the Carlton Club; and since he came into the House to-day he had received an assurance that the hon. Baronet was a member of that club, and that he was at the moment he was asking the question dining at the club. ["Oh, oh!"] The hon. Member for Windsor (Mr. Hope) said "Oh, oh!" These appointments might be satisfactory to him, but they were not so to Members below the gangway on the Ministerial side of the House, and he could only say if that appointment had been made a month ago the Government would at this moment have been on the other side of the House. If the appointment of the hon. Member for Southwark was a fact he thought some apology was due to him (Mr. White) from the hon. Member for the Tower Hamlets, for when he (Mr. White), having watched the career of the hon. Member for Southwark, knowing his Ministerial proclivities, ventured to dissent from accepting that hon. Gentleman as a representative of hon. Members below the gangway, the hon. Member for the Tower Hamlets assailed him in his own vigorous style, and brought down the cheers of hon. Members.

Mr. SPEAKER said, the hon. Member could not refer to past debates.

MR. WHITE said, he merely wished to express his dissatisfaction and that of hon. Members below the gangway at the recent appointments, as an evidence of a reactionary policy on the part of the Government which would lead to their ruin. He would recommend them to put their House in order, for if those changes had taken place a month earlier they would now be occupying that (the Opposition) side of the House —not their present places.

SIR JOHN SHELLEY said, he would put it to his hon. Friend whether it was a right course to attack an absent man. He should be sorry to have it supposed that the Liberal Members below the gangway deemed it their duty to dictate to the Government in reference to the appointment of individuals to public office. The responsibility for the appointments rested with the Ministry; and with regard to the hon. Member for Tamworth, no one could deny that the hon. Baronet had shown great talent. He was surprised that any observation should have been made on the appointment of the hon. Member for Southwark, because he had on every occasion taken an independent course with respect to the Government.

MR. G, W. HOPE said, he had uttered the exclamation referred to by the hon. Member for Brighton (Mr. White) not because he objected to his remarks, so far as they were political, for if the noble Lord thought the hon. Baronet could assist his Government, he was glad he had availed himself of his services. But he did complain that such private matters should be brought before the House as where an hon. Member dined, and descriptions of the club to which he happened to belong. Such a course was not calculated to increase the efficiency of the House of Commons, or to further the public interest.

Resolutions *agreed to.*

"Bill to apply a sum out of the Consolidated Fund and the Surplus of Ways and Means to the service of the year one thousand eight hundred and sixty-one, and to appropriate the Supplies granted in this Session of Parliament, *ordered* to be brought in by Mr. MASSEY, Mr. CHANCELLOR of the EXCHEQUER, and Mr. PEEL."

Bill *presented*, and read 1°, to be read 2° on *Monday*.

PUBLIC OFFICES' SITE BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. AUGUSTUS SMITH suggested to the right hon. Gentleman that it would be advisable to postpone the further proceedings of this Bill until the next Session. It contained a very important principle, and one which could not be fairly discussed in a House when the attendance was so small as only nineteen Members.

MR. COWPER intimated that the Bill could not be postponed.

MR. AUGUSTUS SMITH said, that as the right hon. Gentleman did not appear inclined to accede, he must say the Bill was very objectionable. It proposed to vest in the Commissioners of Her Majesty's Works and Buildings a portion of St. James's Park for the new public offices, and one of the provisions of the Bill proposed to give compensation to the Crown for the portion of the Park so to be taken. He contended that the Crown estates were already the property of the public, and were vested in the Commissioners of Woods and Forests and Public Works for the benefit of the public, and the principle of giving compensation to the Crown ought not to be admitted by the House of Commons. It was quite clear that nothing could be done in the erection of the new offices until the next Session, and, therefore, he should move that the House go into Committee on the Bill that day three months.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day month, resolve itself into the said Committee.'"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. AYRTON inquired whether in the erection of the new public offices it was intended to pull down the building recently erected at great cost as the State Pape Office ?

SIR HENRY WILLOUGHBY said, he hoped that the smallest possible portion of St. James's Park would be taken for these improvements.

MR. COWPER said, the Bill was merely a formal Bill, consequent on an Act passed in 1859, giving the Commissioner of Works power to acquire a site, and the way in which the piece of ground would be paid for was merely matter of account between the Land Revenue Department and the Consolidated Fund. The legal title to this

Park was not vested in the Commissioners of Works; they had only the management on the part of the public, and the object of the Bill was to give a legal title to the Commissioners of Public Works. The principle contained in the Bill was the same as that adopted in the Lighthouses Act, and it was practically only a matter of account. The piece of ground which would be taken in St. James's Park was part of the inclosure close to Fludyer Street and Downing Street, to which the public had no admission. There was also a road near this enclosure which was used by the residents of the houses close to it, but when those houses were removed the road would be of no use. It was a little piece of useless ground, and would be taken as a part of the new Foreign Office. If the present Bill were to be postponed it would cause an additional charge upon the public Exchequer, and an unnecessary impediment would be placed in the way of commencing the preparations for the building. In answer to the hon. Member for the Tower Hamlets, he had to say that the State Paper Office was to come down, but not in consequence of the present plan.

SIR HENRY WILLOUGHBY asked, whether there was any reason to suppose that the part of the Park to be built upon was a quicksand?

MR. COWPER said, there was not; but even if there were, in the present state of scientific knowledge, and with the use of concrete, builders could make a firm foundation in a quicksand.

MR. SEYMOUR FITZGERALD asked how much of the open space would be encroached upon?

MR. COWPER said, that part of the triangular enclosure would be taken which was included within a line drawn from the eastern side of Duke Street and another line drawn from the southern side of Downing Street. It was intended to make an entrance into the Park from Downing Street, which would be a great convenience. The small portion of land would just enable the two fronts of the building to meet in a corner, and it was essentially necessary to the carrying out of the design adopted by that House.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill *considered* in Committee.

House *resumed.*

Bill *reported,* without Amendment; to be read 3° on *Monday.*

Mr. Cowper

THE FRESCOES—HOUSES OF PARLIAMENT.—EXPLANATION.

MR. BERNAL OSBORNE begged the indulgence of the House while he made a personal explanation as to what he had said the other evening on the subject of the frescoes in the new Houses of Parliament. The right hon. Gentleman (Mr. Cowper) had, in his absence, stated that he was wrong in saying that the face of Cordelia, in the fresco of "King Lear," was in a state of decay. He had since taken an opportunity of examining the frescoes, and he found that he had committed a mistake in saying that the face of Cordelia was decaying. It was the next picture that was injured—Mr. Watts's fresco of "The Red Cross Knight," where the head of the Dragon was completely gone, the leg of the knight was peeling off, and the arm of the lady he was defending was on the point of altogether vanishing from public view. It was true that the face of Cordelia was uninjured, but the nose of Regan was in a very dilapidated state, and would probably fall off before the recess was over. The right hon. Gentleman said that any man who could use his eyes would see on going through the gallery in what condition the frescoes were. He (Mr. Osborne) had used his eyes and had carefully looked at the frescoes, and he could state that in that ridiculous fresco, representing the English rivers, "Old Father Thames" was in a state of considerable decomposition, and that all the frescoes were in a state that was not creditable to the country. He thanked the House for having allowed him to make this explanation; he withdrew his observations about Cordelia, but he maintained what he had stated with respect to all the other frescoes, and that even the fresco of Lear was in anything but a sound state.

MR. COWPER said, he wished also to make a personal explanation. His hon. Friend appeared in the first instance to have mistaken the face of Cordelia for the face of the dragon. But now that he had made a more minute inspection of the faces of the ladies he found blemishes on that of Regan.

MR. SPEAKER: I must remind the right hon. Gentleman that there is no question before the House.

MR. CAVENDISH BENTINCK said, he wished to ask the right hon. Gentleman a question, and he would make a single observation or two to bring the vexed question of the frescoes to a definitive issue. There could be no doubt that Mr. Watts's fresco was in a state of considerable decay. So was Mr. Herbert's. The faces of Regan and Goneril were disfigured. As for the picture in the other angle, the figure of Adam was almost obliterated. As for the frescoes of Mr. Cope—

MR. SPEAKER said, he must again remind hon. Members that there was no question before the House.

MR. CAVENDISH BENTINCK said, he made these observations with a view to the question he was about to put. There could be no doubt that the frescoes were in a decaying state, and he wished to ask the right hon. Gentleman whether he would institute an inquiry during the recess into the causes of the decay, as otherwise injustice would be done to the artist as well as to the country?

MR. COWPER said, it seemed as if an inquiry must be instituted into the facts as well as into their causes, as the accounts were so conflicting. His own impression was that Mr. Herbert's fresco was not suffering from decay. Undoubtedly "Father Thames" was in a bad state as well as Mr. Watts's fresco, but he thought the damages to the others were exceedingly slight. He would be very glad, however, to examine into the matter.

House adjourned at
Two o'clock.

HOUSE OF LORDS,

Monday, July 29, 1861.

MINUTES.]—PUBLIC BILLS.—1ª Windsor Suspended Canonries; Lace Factories; Inland Revenue; Stamp Duties on Probates, &c.; Public Works (Ireland); Gunpowder, &c., Act Amendment; Episcopal and Capitular Estates Act Continuance, &c.; Edinburgh University; Revenue Departments Accounts; Drainage of Land; Public Offices Site; Pensions, British Forces (India).

2ª Enlistment in India; Municipal Corporations Act Amendment; Removal of Irish Poor; Indemnity.

3ª Tramways (Ireland) Act Amendment; East India (Civil Service); Irremovable Poor; East India (High Courts of Judicature); Copyright of Designs; Crown Suits Limitations.

CASE OF THE *ORWELL*.—QUESTION.

THE EARL OF MALMESBURY asked, the Under Secretary of State, What instructions the Foreign Office had sent to Sir James Hudson respecting the case of the English ship *Orwell*, belonging to Messrs. Pearson, of Hull, which had suffered much damage at the hands of the Garibaldian Volunteers, for which compensation had not been made by the Italian Government? The case was this. In the month of August last, the *Orwell* was chartered at Genoa by Garibaldi to take 100 Volunteers to Sicily, the condition being that the owner should receive £5,000. It appeared that the agents of Garibaldi then seized the ship by force, and went out in her on a piratical cruize. The English Consul, on being informed of the circumstance, telegraphed to the Admiral, and the *Orwell* was consequently captured and carried to Malta. It was here found that her engines had been totally destroyed, and on application to Garibaldi for compensation a commission was appointed, which recommended that the claim should be paid at once. Since that time the King of Italy had assumed the liabilities of Garibaldi, and the claim was on the point of being settled when Cavour died. He (the Earl of Malmesbury) now asked what had been done in the matter by the Foreign Office?

LORD WODEHOUSE replied that the *Orwell* had been, as stated by the noble Earl, seized by the Garibaldian Volunteers and recaptured by Her Majesty's ship *Scylla;* that Mr. Pearson, the owner, had applied to the Foreign Office; and that instructions had been given to Sir James Hudson to afford him all the assistance he could properly give. No accounts had been recently received of the position of the case; but if Mr. Pearson would write to the Foreign Office and state the present position of the affairs, his application would receive every attention; though he could not pledge the Government to interfere officially without a further consideration of the facts as they stood at present.

PUBLIC BUSINESS.—EXPLANATION.

THE EARL OF DERBY thought it but justice to the right hon. Gentleman the First Commissioner of Public Works to correct an error into which he had fallen in the remarks on the state of public business which he had addressed to their Lordships on Friday evening. On that occasion he said that the Bill for providing the money for the new courts of justice had been passed on Thursday night, or rather at an early hour on Friday morning. He had been informed since that the Bill which had been so passed was not the one which he had supposed, but the Public Offices' Site Bill, and that the other measure had been dropped in the House of Commons. He presumed that the Courts of Justice Building Bill, which stood for Committee in their Lordships' House, would be dropped also, as it was connected with the one which had met that fate in the House of Commons. With regard to the Law Consolidation Bills, he was glad to hear that when they came on for the second reading, it was the intention of the noble and learned Lord on the Woolsack to call attention to the alterations which had been made in them since they left their Lordships' House last Session.

Earl GRANVILLE observed that the Bill to which his noble Friend had referred, as one which he expected to see dropped, had been read a second time, and he could see no reason for not proceeding with it.

The Earl of DERBY said, that the Courts of Justice Building Bill had been read a second time, because he believed it was necessary to read it a second time before the date fixed by the Standing Order as the last on which second readings could be taken; but it was distinctly understood that in reading it a second time the House did not pledge itself to a particular site.

The LORD CHANCELLOR said, that although the site was indicated by the Bill, their Lordships were not pledged to that particular locality, nor to spend any particular sum of money. But he thought it ought to be pressed forward, seeing that it had met with no opposition in either House. He would explain what alterations had been made in the Criminal Law Bills when the House was in Committee on them to-morrow.

Lord CHELMSFORD said, there could be no doubt that there was a clear and distinct understanding when the Courts of Justice Building Bill was read a second time the other night, that it should not conclude their Lordships to any opinion on the principle of the Bill. He was surprised to hear that it was now intended to press on the Bill after the other Bill for the appropriation of certain funds to be expended in the erection of the new courts had been withdrawn.

The LORD CHANCELLOR said, their Lordships would perceive, on looking at the Bill, that neither the neighbourhood nor the site was determined. The Bill gave more power for the acquisition of land for the purpose. The utility of passing it lay in the fact that some £8,000 or £9,000 which had been expended upon the necessary surveys would otherwise have to be repeated next year, in the event of a Bill being passed by the House of Commons devoting a particular sum to the erection of Courts of Justice. If the present Bill passed this amount would be saved in case the scheme were proceeded with; but if the Money Bill did not pass, this Bill would by that fact become a dead letter.

Lord DENMAN believed that the proposed Courts of Justice, if erected, would be productive of great public inconvenience. Reversing the old rule that "equity follows the law," all the law courts and lawyers would be obliged to follow equity to an inaccessible locality in the centre of London.

The Earl of DERBY said, that distinct reference was made in the Bill to the plans and specifications agreed upon by the Commissioners, which referred to districts and houses that were perfectly well known; and power was sought under the Bill "to purchase, take, and use for the purposes of this Act, all or any houses, tenements, buildings, and lands described on the above-mentioned plans." It was, therefore, an error to say that no particular site or neighbourhood was pointed to. Doubts and uncertainties would be excited by this measure in the minds of owners and residents in particular properties, and he thought it a very grave question whether a saving of the cost of preparing the surveys anew might not be dearly purchased by the passing of the present Bill.

The Lord CHANCELLOR said, though the site might be indicated, no advantage could be taken until the money was expressly voted for the purpose by Parliament. Two things, therefore, must be done in the next Session before the plan could be carried out—the money must be voted; and if that money were the suitors' money that question must be decided by Parliament.

Lord WYNFORD thought it highly inexpedient to proceed with this scheme in the face of a Treasury Minute stating that the estimate would probably be exceeded by a million.

APPROPRIATION OF SEATS (SUDBURY AND ST. ALBANS) BILL.—COMMITTEE.

Order of the Day for the House to be put into a Committee upon the Appropriation of Seats (Sudbury and St. Albans) Bill read.

EARL GRANVILLE, in moving that the House do go into Committee on the Bill, gave a short explanation of its objects. The noble Earl was understood to say that, as the practice of the Constitution had provided that the House of Commons should consist of a certain number of Members, the Government had, in the absence of any strong feeling in either House of Parliament in favour of a general measure of Reform, thought it their duty to make a proposal for filling up the vacancies occasioned by the disfranchisement of the boroughs of Sudbury and St. Albans—a measure in the adoption of which two noble Lords opposite were concerned. Their first proposition was that two seats should be given to counties and two to boroughs, and the boroughs selected were Birkenhead and Chelsea with Kensington. That scheme was not accepted by the House of Commons, and as the Bill now stood the West Riding of Yorkshire was to be divided into two divisions, each of which was to have two Members, Birkenhead was to have one Member, and a Member was to be added to the two now possessed by South Lancashire. He would not attempt to anticipate the arguments which might be urged against the Bill, but would at once move that their Lordships should go into Committee upon it.

Moved, That the House do now resolve itself into a Committee on the said Bill.

LORD STRATHEDEN, after showing that the Government and its supporters were not in any way committed to this measure, since it was not the same the Government had introduced in February, and they had disapproved the changes it received, said, the Motion for referring the Bill to a Select Committee may be viewed either as intended simply to arrest it, or as implying that its details are in want of such an agency to sift them. In both these lights it is defensible. If viewed in the first light the lateness of the Session is not an argument against it, but an argument in favour of it. The lateness of the Session would prevent a Select Committee from reporting. But the lateness of the Session renders the Committee of the Whole House utterly inoperative. In point of fact it is unwarrantable to proceed with such a Bill at such a moment. The Standing Order of the House year by year has given a formal voice to the legitimate opinion that, after July 25th, measures ought not to proceed without reasons urgent and exceptional, and such as, in this case, are well known to be wanting. It is true that it was read a second time on the 19th. But it was read *pro formâ* only. It now comes before us for the first time to be discussed. If the opinion which used to be embodied in the Standing Order, and which still prevails, although from temporary circumstances it has not this year been embodied in it—arrested ordinary Bills, how much more ought it to arrest a plan which, as it alters the Reform Act, must influence the dignity, prosperity, and future legislation of the country? It is unjust to ask noble Lords who, from February last, have patiently attended the business of the House to compromise their health, to waste their powers, and even sacrifice their duties by remaining in town a day after July is ended. And yet unless the Bill is hurried, against all decency and precedent, the day after it is first discussed into a law it must run into August. What is the result? That, to the loss of the community, and to the injury of the House itself, it goes, without consideration and discussion, through its stages. For who can venture to discuss it? If any one, a year ago, had given notice to submit the question to the House of how these seats should be appropriated; if long before that time he had formed opinions on the subject; if he saw the present Bill to be impolitic, and felt an obligation to examine it, in what position would he stand? He would have to choose between the fatal evil of addressing an impatient House and the yet more serious calamity of allowing what he saw to be a legislative error to pass unexposed and unquestioned to the statute book. Although no Member of the House would shrink from any task which duty urges on him, the Government are not entitled to place men in such a difficulty unless necessity controls them. But does it in this instance? In the other House of Parliament the Bill was read a second time on the 25th February. It went into Committee on the 11th June. Was such an interval inevitable? It reached this House on July the 11th, and now, upon the 29th, we are beginning to debate it. Was that interval inevitable? But, setting that aside, is this Bill forced on at this late period by some popular opinion it would not be prudent to resist or disappoint? It is well known that it has not any popular opinion to support it, and that the democratic party in the State would applaud the House if they rejected it. Is the Government engaged *per fas et nefas* to advance it? It is by a course of Ministerial defeats that it has gained the form in which it reaches us. Are the Opposition deeply and irrevocably pledged to it? In the other House of Parliament the Opposition have declared themselves in favour of a different project. But is the public bent upon obtaining it? That most distinguished organ of the general opinion three times advised the Government in a friendly spirit to renounce it. Never was a Bill, therefore, which came more thoroughly within the prohibitory spirit of the Standing Order, or which it was less essential to set at nought by proceeding with that spirit. If, therefore, you view the Motion to refer the Bill to a Select Committee as a Motion to reject it, on these grounds it is legitimate to do so. But if the Motion is regarded as a Motion for inquiry, it is far more easy to defend it. For, as regards the present Bill, one thing must be admitted, namely, that the *onus probandi* falls not on its opponents but its advocates. To increase the House of Commons by four Members, so far as the mere numerical addition goes, by all conversant with the subject, is regarded as an evil. The excess of numbers may disturb and compromise political assemblies as well as the privation of them. In the House of Lords the evils which result from the want of numbers have been frequently referred to. In the House of Commons the reverse of such a picture is displayed. It is usually admitted that before the Irish Union swelled it by a hundred, the assembly was more adapted to the purposes of the business than it is at present. The room in which the House meets will not accomodate six hundred. And unless night by night for at least three hours, the usages of Parliament reduced the number present to a small proportion of the whole, it would be impossible to go through the clauses of the Bills and through the items of the Estimates. No kind of Parliamentary or public inconvenience has resulted from the want of the four Members. It has been convincingly explained that 658 was not a constitutional, but accidental number. It was only upon Irish grounds that the House of Commons was ever carried to that limit; and it is not on Irish grounds that this Bill can be supported. The questions must, therefore, force themselves upon us—*Cui bono* is the Bill brought forward?—what end does it attain?—what advantage does it furnish?—what complication does it remedy?—what popular demand does it assuage?—what interest requires it?—And if these questions have not been answered in debate, the Select Committee might dispose of them. Another ground for the inquiry would occur from the number of interests and claims to be adjusted. Salford, Burnley, Middlesex, and Kensington, the Inns of Law, and Scottish Universities, the London University have all pursued the gift to be distributed. In 1852, in 1854, in 1859, in 1860, and at present, Governments have offered different modes of dealing with these vacancies. It is, therefore, clear that no strong or general conviction has been formed as to the proper manner of disposing of them. And while this is so the claims which it is not proposed to satisfy may fairly ask inquiry from the Legislature before that doom is finally pronounced. But such inquiry may be asked upon a ground far more imperial and general. The public has a claim distinct from, and superior to, those I have adverted to. So long as these seats are unappropriated, we have it in our power to deal by-and-bye with one of the most fatal and notorious defects of the Reform Act. And if you fill them up as it is proposed, you lose your chance of doing so. The Reform Act has, no doubt, succeeded in expressing the opinions of the country. It has succeeded in forming an assembly equal in intelligence and station to the work which comes before it. But it has not succeeded in the third great function it aspired to, the function of returning to the House of Commons all those who, having sat there, ought to have a seat in it according to the judgment of the public and of Parliament. It can only discharge this function when you have, as before 1832 you had, a corrective power in the State to do what the country wishes to be done, when the general election happens not to do it. By the judicious use of these four seats you might perhaps arrive at such a power; but if you rashly part with them, when no kind of popular demand asks you so to do, you will not arrive at it except by increasing the numbers of the House of Commons beyond 658. And this would scarcely ever be regarded as admissible. But as regards the proposition that the general elections since 1832 have fallen short of one result they were intended to accomplish, it is easy to establish it by referring to a series of distinguished men who since that epoch have, for longer or shorter times, been thrown out of Parliament, while not one could be considered as excluded by the wishes of the country. Sir William Molesworth, Lord Macaulay, and Sir Edward Lytton are sufficient illustrations. They suffice at least to prove that, be a man connected with the Radicals, the Whigs, or the Conservatives, the support and admiration of the country are no security for constant access to the Legislature in which he has attained them. They suffice to show that public life is unhappily distinguished from every other line of effort by the perpetual risk of arbitrary exile. It was not possible at such a time to explain how that great anomaly existed, or to what political calamities it tended. But in order to remove it, it was only necessary that the public should have some means, after a general election, of giving force to its opinion. We all know that if it had these means, neither Sir William Molesworth, Lord Macaulay, Sir Edward Lytton, Lord Carlisle, or Mr. Cobden would have been for years condemned to all the evils of inaction. Whatever plan you might adopt — and some have been suggested—it would naturally occupy the space afforded by these vacancies. If I am asked by what employment of these you could remedy the evil, I answer a Select Committee is the agency to which alone a question so delicate and gravecould be confided. And I express a firm belief that a Select Committee of the House would be a body not unequal to contend with the difficulty of the problem. But inasmuch as no Select Committee can approach the problem for the present, I will revert but only for a moment to the question, ought the Bill to be proceeded with. It requires much consideration to decide how far it is expedient to transfer power, as the Bill does, from the southern to the northern portion of the kingdom; to give, as it does, to counties vacancies arising from disfranchisement of towns, and to convert, as it does, seats which were open to the mass of politicians to seats which are only open to persons locally connected with them. But such grave consideration it is not in the power of the House to grant to all these topics. And it should never be forgotten that the gratitude the measure will excite bears no proportion to the discontent it will occasion. It is allowed that in the West Riding no strong opinion has been formed as to the advantage of dividing that constituency. There has been no apparent movement in South Lancashire in favour of the gift to be conceded to it. But the Scottish Universities will receive a blow and disappointment from the measure. The only consolation you can offer to Burnley, Kensington, and Salford is to keep the vacancies suspended. In point of fact it is obnoxious to the interest which calls out for change in the Reform Act. It may be sometimes indispensable to offend that interest by standing still, but it appears to be the height of folly to offend it by legislation which wants at once the sanction of the Government and the approbation of the public. If a general and comprehensive measure of Reform is by-and-bye presented, the scheme is utterly uncalled for. If it is resolved to act by isolated measures, that policy will not be happily inaugurated by a Bill which overlooks a problem entitled to the care of statesmen, and which, from many of its features, may be made use of at a future time to create among the body of the people the passions it is most essential to prevent and to assuage. On these grounds the noble Lord moved that the Bill be referred to a Select Committee.

Amendment *moved,* to leave out from ("that") to the end of the Motion, and insert (" the Bill be referred to a Select Committee.")

THE EARL OF DERBY: My Lords, I suppose I may assume that it is not the intention of Her Majesty's Government to accede to the suggestion of the noble Baron of referring this Bill to a Select Committee, which would probably present its Report about the middle of August. And for my own part I never recollect a Bill for which there appeared less reason to refer it to the consideration of a Select Committee than this. The facts are plain and undisputed. There are no very complicated details of arrangement which can be more conveniently considered in a Select Committee. It is a Bill of a very plain and straightforward character, which can be perfectly well discussed in your Lordships House. For my own part I have no fault to find with it. I think it has been greatly improved by the manipulation which it has undergone in its progress through the House of Commons, and which I give the Government credit for having sanctioned with the most exemplary resignation. It is very much like the Bill which the Government with which I was connected had the honour to propose in 1852, and which was mainly rejected through the influence of the right hon. Gentleman the Chancellor of the Exchequer, who until a short time ago was one of the most prominent candidates for one of the seats which the Bill proposes to create. It is true there is this difference, that we proposed in 1852 to confer two seats on the West Riding and two on South Lancashire. I have a very strong preference in favour of two seats for a county over the inconvenient plan of three; but in 1852 Birkenhead had not risen to the importance which it has now attained, and I can find no fault with the selection of Birkenhead for one of the vacant seats. If, indeed, it were in the contemplation of Her Majesty's Government to introduce a very large or extensive plan of Parliamentary Reform, I think they would be acting most improvidently and unwisely in hampering their discretion by the introduction of this smaller measure. In that case I should think there was some reason in the complaint of the noble Baron, that it would prevent due consideration of the claims of places which have a right to be considered in any general measure. In the measure of 1859, which the Government with which I was connected introduced, not only were all these seats provided for, but provision was also made for other places. The London University, the Scotch Universities, (the borough of Chelsea and Kensington was provided for in a different mode by subdividing the county of Middlesex); and I believe by that Bill the claims of all the principle places for representation were satisfied. But it did not please the different parties to allow that measure to pass, and I certainly bow with submission to the determination at which they arrived, and am perfectly ready to give my support to Her Majesty's Government in adopting and approving this partial measure. I presume Her Majesty's Government have no very extensive scheme of Parliamentary Reform to bring forward; first of all, because I think recent experience has forcibly shown them that small and not wholly independent boroughs are not without their use in the political system of this country. They will not say they are, but I am sure they just now cordially wish that there were "six Richmonds in the field." For other reasons I am inclined to suppose they have no such scheme. The noble Lord —I do not know whether we can yet call him the noble Earl, whom we shall very shortly have the satisfaction of seeing in this House, and whom all your Lordships on every side of the House will rejoice to see here, has expressed very honestly and very candidly his opinion that there is no use in bringing forward a measure of Reform unless there is a strong feeling in favour of it among the public at large, and he left it to be implied that there is at the present moment no such feeling, and consequently no such temptation to Her Majesty's Government. It is not only from what the noble Lord has said, but from what the noble Lord has done, that I augur there is no wish to introduce a Reform Bill, because the noble Lord has selected this precise moment for a change in his position. Like another Astræa, disgusted with the follies and iniquities of the lower world, he has left it. He is about to rise to a higher, a calmer, and, I hope, a purer atmosphere; and I cannot wonder that the noble Lord, who has devoted so much time to the labour of reconstructing the plan and building up the political edifice of the Constitution, should be glad to take the opportunity of finishing the work, and filling up the gaps which for so many years have deformed its beauty, filling up those gaps in the representation by the additions of the West Riding, South Lancashire, and Birkenhead.

> "Extrema per illos
> Justitia excedens terris vestigia fecit."

This is to be the concluding scene of the noble Lord's efforts in the cause of Parliamentary Reform. I have stated that to the Bill I have no objection to offer, and no doubt it will be on the whole a very satisfactory measure, as soon as it has received a few alterations at the hands of the Committee—first, for the purpose of making it English, and next for the purpose of making it sense. Whatever may be the ulterior views and whatever may be the ultimate wishes of Her Majesty's Government, I seriously hope that what has passed on the subject of Parliamentary Reform in the course of the last two years will be a warning to the present and all succeeding Governments not hastily to bring forward or promise, or still more hastily and inconsiderately to pledge the name of the Sovereign to the introduction of large and extensive measures which they do not feel perfectly confident of being able to carry. There are great and serious evils in the perpetual introduction of Bills which are perpetually rejected, and the Sovereign is placed in an undignified position in pledging Parliament year after year to consider Bills which cannot possibly be passed. In 1858, when I was in office, I felt bound earnestly, seriously, and honestly to endeavour to give effect to pledges which on high authority had been given to the House, and I did apply myself to the introduction of a measure which I hoped would satisfy rational and moderate men. It did not meet with the success which I anticipated. I have no doubt that Her Majesty's Government were equally sincere, but equally failed in success. From the failure of successive measures introduced by successive Governments I hope it will be clearly understood that neither this nor any other Government are under any obligation to deal at any future time with this question, but that it is a question which must be left to the discretion of any Government to introduce or not, and that they are not to be reproached for violating pledges if they abstain from bringing forward a proposal on so delicate and difficult a subject. I have no wish to interfere with the progress of the Bill. In Committee I shall venture to suggest two or three Amendments, but they are entirely consistent with the principle of the measure, which I shall be glad to see receive the Royal Assent.

Earl GRANVILLE: — My Lords, I entirely agree with the noble Earl in the opinion that it would be undesirable to refer this Bill to a Select Committee, and I presume that my noble Friend who moved that Amendment is satisfied with having given himself an opportunity of stating his views on this subject, which I know he has considered very much for several years. This is a measure affecting the constitution of the other House of Parliament, and that House has not thought it necessary to refer the measure to a Select Committee—indeed, it is not usual to refer constitutional questions to Select Committees —and although, no doubt, it is the duty of this House to oppose this or any other measure which appears to it not to be founded on a right principle, yet, if no such objection can be raised, I think your Lordships would naturally be disposed to receive from the other House the details of a Bill which appears to them to offer the best means of filling up any vacant seats in their own Assembly. To refer the Bill to a Select Committee at this time of the Session would be to reject it altogether, and I hope, therefore, that my noble Friend will not persist in his Amendment. As to the Government proposals respecting this Bill, it is agreeable to find that the noble Earl (the Earl of Derby) regards them favourably, and I think your Lordships must, at all events, be persuaded that in submitting them we were not actuated by any party motives. Nor were the changes introduced during the progress of the Bill in the House of Commons of a very grave character. The measure remained the same as before, with the single exception that no seat was given to Chelsea and Kensington, and that a seat was instead bestowed on the West Riding. The noble Earl opposite has made a pointed allusion to my noble Friend Lord John Russell. Had I known that it was his intention to do so I would have asked your Lordships to postpone the Bill till to-morrow, when I trust to have the honour of introducing my noble Friend, who has been so gracefully referred to by the noble Earl, and to whom I am sure your Lordships will extend that hearty welcome which is never refused to a man eminent in any line of life, and which I am sure will be given to one who has played so great and important a part in directing the affairs of this country, and who combines with his public eminence a singularly high private character. The noble Earl has told us what should be the conduct of the Government in respect of future Reform Bills, and with great fairness administered a reproof to his own and to the present Government for having introduced Reform Bills which did not meet with general assent. I entirely concur with him that nothing would be more improper, after the experience we have had, than for any Government lightly to introduce a Reform Bill without a reasonable hope and expectation of carrying it through Parliament. I say this, though at the same time I am strongly opposed to all finality, and to the notion that it is impossible to improve the Constitution of the country, believing, on the contrary, that an extension of the suffrage may be most just and reasonable, and may in the most Conservative spirit be accorded to the people. I repeat, however, that, like the noble Earl, I think it would be rash in any Government beforehand, and without reviewing the whole circumstances of the case to pledge themselves to a Reform Bill without having some probable reason to suppose they would be able to carry it. The Amendments suggested by the noble Earl are very slight in their character; they are indeed similar to those of which I have given notice, and I have no objection to adopt them.

Amendment (by leave of the House) *withdrawn.*

Then the original Motion was *agreed to.*

House in Committee accordingly.

Clause 1 (Providing for the Dissolution of the West Riding of Yorkshire),

LORD STRATHEDEN said, that, although the House had, as he thought, unfortunately decided to go on with the Bill, a middle course was open to them. The Bill fell into two parts. By one it was to give two seats at once to South Lancashire and Birkenhead. By the other it gave two, prospectively, at the next general election to the West Riding of Yorkshire. There was not the least occasion for the latter proposition which Clause 1 contained. Common sense revolted at the wanton sacrifice by Parliament of its future right to deal with these two seats, when the West Riding might not for three years come into possession of them. It was loss to the whole country, and was not gain to any section of it. As well might a man part with a fund to some one who received it with the condition of its being locked up in a box for a considerable period. Why did he part at all with his discretion as regards it? No man was so foolish as to think that a necessity existed for appropriating all the seats together. A hundred circumstances might occur all showing the impolicy of giving two to the West Riding as compared with other applicants; and they were now asked not to give them, but to pledge them three years before the favoured party would be benefited by this superfluous and reckless prodigality. He suggested that all the clauses should be struck out until they came to those which are on South Lancashire and Birkenhead.

Amendment *negatived.*

Clause *agreed to.*

Clauses 2 to 7 amended, and *agreed to.*

Clause 8 (Making Provision for the Issue of a Writ for South Lancashire),

THE EARL OF DERBY said, he had to propose an Amendment to this clause. The clause gave the Speaker of the House of Commons the option of issuing the writ at any time before the dissolution of the present Parliament. He had every confidence in the right hon. Gentleman who now occupied the Chair of the House of Commons. He had known him for fifty years; thirty-five years ago they were travellers together, and somewhat later they were fellow-travellers in another sense, being both members of a small but select party known by the name of the "Derby Dilly." He had no idea that the power given in the clause would be abused by the right hon. Gentleman; but a corrupt Speaker might issue the writ to suit party purposes, and might even postpone it till the eve of a dissolution and after a registration had taken place. He thought the time for the issue of the writ should be more definitely fixed, and that no unnecessary delay in doing so should occur. If it took place later than the middle of next month it would interfere with the harvest, and he need not point out the inconvenience of having an election at a more advanced period of the year. He would, therefore, propose, that instead of the words "at any time before the dissolution of the present Parliament," the clause should run, "as soon as may be after the passing of this Act," and that in the next line the word "shall" should be substituted for "may."

EARL GRANVILLE said, he had no objection to the Amendment.

Clause amended and *agreed to.*

Remaining Clauses *agreed to,* with Amendments; the Report of the Amendments to be received *To-morrow.*

TRAMWAYS (IRELAND) ACT AMENDMENT BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3^a.

LORD REDESDALE opposed the Motion, describing the Bill as a crude and undigested attempt at legislation.

On Question, their Lordships *divided:*—Contents 38; Not-Contents 27: Majority 11.

Resolved in the *Affirmative.*

Amendments made.

Bill *passed,* and sent to the Commons.

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Moved, That the Bill be now read 2^a.

LORD STANLEY OF ALDERLEY moved the second reading of this Bill, the object of which he said was to settle doubts that had arisen in consequence of a recent decision of the Court of Queen's

Bench, and to make the position and privileges of mayors in provincial towns the same in law which they had been in practice since the establishment of municipal corporations. In consequence of the increased facilities of communication afforded by railways it would no longer be insisted upon that magistrates should reside within seven miles of the borough in which they officiated, on condition that they occupied a house or office within the borough ; and it was proposed to extend to magistrates in boroughs where no Quarter Sessions were held the same powers with regard to licensing as were exercised in other boroughs where these Sessions took place. A clause to which the noble Earl opposite (the Earl of Derby) took exception a few evenings since had been withdrawn. He, therefore, hoped there would be no objection to the Bill.

LORD WENSLEYDALE said, many of the clauses of the Bill required modification, and as the matter was not one of pressing importance it ought to be more maturely considered. He objected to the clause providing that mayors should preside at all meetings of magistrates, because a person who had only just been elected mayor might not be the best qualified to discharge the duties of presiding magistrate. The object of this clause was to set aside a decision of the Court of Queen's Bench, which was unquestionably right, as grounded on the soundest principles. Why should not the borough justices have the same right as the magistrates of counties who, being obliged for the due conduct of their business to have a chairman, elected that magistrate in whom they had the most confidence, from the knowledge of his character, his knowledge and ability, and habits of business? The circumstance that the office was elective was a great encouragement to the younger magistrates, by study and attention to business, to obtain that distinction. It is true that in counties, due respect would be given to persons of station and consequence in society, if duly qualified, but no more, and the like preference in case of voluntary selection would be given in boroughs. He had a still greater objection to that clause in the Bill which took away the jurisdiction of county magistrates to license in boroughs having no quarter sessions. The object of this clause, also, was of the same objectionable character. It was to overturn a decision of the Court of Queen's Bench, which, also, was in his opinion very clearly right—and in cases where those boroughs sent Members to Parliament, the transfer of the power of licensing from the magistracy of the county at large, to the smaller body of the borough justices, who would have local connections, would be likely to lead to the corrupt exercise of that power, for the purpose of obtaining political influence in elections, especially in the smaller Parliamentary boroughs. He had himself on this ground principally opposed a Bill of his noble Friend (Lord Ravensworth) to give the exclusive power of licensing to the magistrates of the borough of Sunderland, some two years ago, and with perfect success.

EARL GRANVILLE was understood to defend the provisions of the Bill.

LORD CHELMSFORD thought that there was a good deal to be said in favour of the postponement of this Bill, because he hoped to satisfy their Lordships that in its present state it ought not to pass. The sixth clause had been given up; the second and third had been, as his noble Friend said, introduced to correct a decision of the Court of Queen's Bench; but, surely, it was a strange kind of legislation, when the Court of Queen's Bench had pronounced a decision giving what was unquestionably a true interpretation of the Municipal Corporations Act, immediately to introduce a Bill to overrule that judgment. The provision that mayors should preside at all meetings of magistrates within the borough by virtue of his office, was, in his opinion, unnecessary and contrary to good policy, and would create great dissatisfaction throughout the corporate towns of the kingdom. It was unnecessary, because, as the noble Lord who had charge of the Bill had admitted, mayors were invariably asked to preside at such meetings, and even at Birmingham, from which the complaint in this matter proceeded, that courtesy had not since the decision of the Court of Queen's Bench been withheld from the mayors. It was a violation of principle to take from the magistrates the power of electing their own chairman. As a genera rule the person of the highest rank present was chosen to fill the chair ; but still the right of choice lay with the meeting, and if any one insisted on presiding as a matter of right it would be resisted. As had been admitted, the mayor was usually elected chairman, except where, as sometimes happened, he was unfit for the post; but the effect of the Bill would be to compel the magistrates to submit to his presidency even when notoriously unfit. Although the magistrates, in nine cases out of ten, voluntarily paid a compliment to the mayor by selecting him, they would naturally resent being forced to do so, and ill-feeling would be apt to be produced by that provision. He, therefore, hoped that the noble Lord in charge of the Bill would not insist upon retaining it.

LORD STANLEY OF ALDERLEY observed that the noble and learned Lord had proceeded on the erroneous assumption that the mayor was generally chosen to be chairman as a mere compliment. He believed that the prevailing understanding was that the mayor was *ex officio* the chairman of the meeting, and such was obviously the intention of the framers of the Municipal Corporations Act. He was of opinion that to confirm that impression by law would be much more likely to remove ill-feeling than to allow the matter to be the constant subject of dispute.

THE EARL OF DERBY said, that what he had remarked in conversation on this Bill to the noble Earl opposite was that in his opinion the question of the precedence of mayors was very unimportant, but that he did not see that there would be any great advantage in the Bill in that respect. He added that if Her Majesty's Government were desirous that it should be carried he would not offer any opposition to it. He stated, also, in the same conversation, that it was Clause 6 of the Bill which he deemed most objectionable, and that the question of granting licences was one on which there was a good deal to be said. After that conversation, he felt bound in honour not to oppose the second reading of the Bill, but he held himself at liberty in Committee to deal with the remaining clauses, apart from that on the precedence of mayors, as he thought fit.

On Question? their Lordships *divided:*—Contents 44; Not-Contents 27: Majority 17.

Resolved in the *affirmative.*

Bill read 2^a, accordingly, and *committed* to a Committee of the Whole House *Tomorrow.*

EAST INDIA (CIVIL SERVICE) BILL.

THIRD READING. BILL PASSED.

Bill read 3^a (according to Order).

LORD MONTEAGLE complained that this Bill had been brought up to their Lordships at a period of the Session when it was impossible it should receive proper consideration. It was a Bill which ought to have been introduced at an earlier period of the Session, and in their Lordships' House, when and where it could have been more properly discussed. This, and other Bills referring to India, had been needlessly postponed to a period of the Session when it was impossible they could be considered with that weight which their importance demanded. He protested against this mode of transacting public business. By this Bill the pledge which the Government had given to encourage the employment of the Natives was indirectly broken, inasmuch as they had introduced such conditions preliminary to their employment as to render them, generally speaking, ineligible for those offices which it had been intended to open to them. He referred in especial to the grievance which would be inflicted on the Natives of India by their being practically debarred from the army medical service. It was true that there was no express change in the law making them ineligible for these appointments; it was the indirect effect of the amalgamation of the Queen's and the Indian local armies. The ground alleged was their physical incapacity; but in a letter which he had received from a most intelligent Native gentleman the writer said the true cause of this retrograde step was to be found, no doubt, in the foolish prejudice against men of colour. The present measure was, he felt sure, introduced in a kind and friendly spirit towards the Natives, but he wished to insure, if possible, that the spirit of the law—namely, that the Civil Service should be open to the Natives of India, should be properly carried out. He, therefore, proposed a clause which would not give to the Natives any new right whatever, but only secured them against the loss of any right which they at present enjoyed, and enacted that the provisions already in force on this subject should be taken to be part of the present Bill, and should be construed with it as confirming the Natives in the rights, privileges, and immunities already granted to them. The noble Lord moved a clause embodying the views he had expressed—

"That in page 2, line 19, after ('India') to insert the following Clause:—

"Whereas by Section Eighty-seven of an Act of the Third and Fourth of King William the Fourth, Chapter Eighty-five, it was enacted that 'no Native of the Territories of India, nor any natural-born Subject of His Majesty resident therein, shall by reason only of his Religion, Place of Birth, Descent, Colour, or any of them, be disabled from holding any Place, Office, or Employment under the said Company:' Now be it enacted, That the said Eighty-seventh Section shall be deemed and taken to be Part of this present Act, and shall be construed therewith in all respects as re-enacted and continued therein, and as assuring to the Natives of India and all natural-born Subjects of Her Majesty resident therein all the Rights, Privileges, and Immunities granted to and conferred on them by the said Eighty-seventh Section."

EARL DE GREY AND RIPON said, that the reason why these Bills were not introduced earlier was that his right hon. Friend the Secretary of State for India had decided to wait for the latest and fullest information before the views of the Government were formed. The noble Lord must remember that his words were addressed not to that House only, but to the world at large; it was, therefore, imperatively necessary that the most accurate strictness and the most correct language possible should be employed. The noble Lord had addressed himself to the consideration of two questions which had no connection with each other, except that they related to the Natives of India. Some time ago a question was put by the noble Lord with reference to the non-admission of Native gentlemen to compete for assistant-surgeoncies. On that occasion his noble Friend the late Secretary of War (Lord Herbert) was present in the House, whose continued absence their Lordships must so deeply regret. He (Earl De Grey) could add nothing to what was then stated by his noble Friend. The noble Lord (Lord Monteagle) said a new construction had been put on the Act of 1833 by the Government regarding the admission of Natives to the Civil Service, and he stated that this had given rise to the greatest discontent in India. Now, the simple fact was that the only branch of the Service from competition for which Native gentlemen had been excluded was that of assistant-surgeons, not to the Native, but to the general army. They were not excluded from the Native army; but it was believed that their constitutions would not fit them for those changes of climate to which the British soldier was exposed, and that they would not if attached to British regiments attract that respect and obedience which it was so important the medical officers of the army should receive. He thought the interests of those gentlemen who had been excluded from this competition might be very safely left in the hands of Lord Canning. This and other Bills would open up for the Natives of India entirely new sources of employment. They were about to be made eligible for seats at the Governor General's Council, and to places on the bench in the highest court of justice in India, and yet this was the time chosen by the noble Lord for asserting that they were limiting the privileges of the Natives of India. The whole object of the Bill was to open to the Natives opportunities of employment under the Crown, and to legalize appointments hitherto made in contravention of law. If the Indians were discontented after the present debate, it certainly would not be in consequence of any provisions of the Bill. Her Majesty's Government cordially accepted the enactment of 1833, and had done more than any previous Government to carry out its spirit, but they did not think it advisable to re-enact it, in the terms of the noble Lord's Amendment, as it might lead to a belief among the Natives on the one hand that the Bill contained some secret and insidious attack upon their rights; or, on the other, that it was intended to do more than the Bill professed, and to open to them all competitive examinations in this country, and to sweep away all the restrictions of the covenanted service. No more unwise course could be taken than to add to a Bill conferring substantial benefits on the Natives of India the vague and general clause suggested by the noble Lord.

LORD LYVEDEN acquiesced in the view taken by the noble Earl (Earl De Grey), whose services had been given with such advantage to India since his appointment to the office which he was now about to vacate; but he maintained that since 1833 the Natives had been systematically misled, as they never practically were admitted into the Civil Service. If Natives were deemed inadmissible they ought to be told so, but it was a mockery to admit them in name, when not a single instance had occurred of their actual appointment.

THE MARQUESS OF CLANRICARDE said, that it was true that the Civil Service was, by the letter of the law, now open to the Natives of India, but in practice no Native had ever been admitted to that service. It was, therefore, desirable to reinform and reassure the people of India that we adhere to the sentiments which we had previously expressed, and were anxious that they should be treated as on a perfect equality with Europeans.

Lord MONTEAGLE having said a few words in reply,

Amendment *negatived.*

THE MARQUESS OF CLANRICARDE moved an Amendment to the effect that the Governor General should have power to give appointments to persons after a residence of five, instead of seven years, as provided in the Bill.

Amendment *negatived.*

Bill *passed.*

IRREMOVABLE POOR BILL.

THIRD READING. BILL PASSED.

Bill read 3ª (according to Order).

VISCOUNT LIFFORD protested both against the measure and against the reasons which had been given for adopting it. He had received Returns from a very well managed union in Ireland where the system as to residence was the same as would be introduced into England under this Bill, which showed that while in 1835 the paupers chargeable on the union at large were 1 to 11; the proportion in 1861 was 1 to 2½. He moved to omit from the end of the first clause the words which gave to residence in any part of a union the effect of residence in a parish.

LORD WODEHOUSE said, he could not consent to the Amendment. The words proposed to be omitted contained a very valuable part of the Bill, and if struck out would defeat one of the main objects for which the measure was introduced. One of the purposes of the Bill was to mitigate, for it was not pretended that it would remove, the great hardships which arose from the removal of poor persons from one part of the country to another. It was obvious that where there were, as in London, a large number of small parishes, removal from one to another would at present destroy the *status* of irremovability which a person had acquired. These removals were a great source of expense to the ratepayers, and if diminished would tend to a saving. The arguments of the noble Lord being drawn from Ireland were not strictly applicable, as there was no settlement in that country.

LORD REDESDALE was as anxious as the noble Lord to secure a diminution of expense, but doubted whether that would be attained by the Bill.

VISCOUNT DUNGANNON entered his protest against a Bill of such importance being brought forward at that late period of the Session.

Amendment (by Leave of the House) *withdrawn.*

LORD REDESDALE said, the question of rating had not yet been fairly and fully considered. On a former occasion he had shown the disproportion between the rating in Berwick and Lancaster. He had since received additional returns, from which it appeared that while in one of the parishes of Croydon there would be, under the Bill, an increase of £1,000 a year, there would be a decrease of £800 in another parish. These discrepancies were very unjust and inexpedient. He thought the Bill would also bear unfairly on the owners of tithes, which, when commuted, were an unimprovable property. He should move the omission of Clause 9, and subsequently move the addition of a clause limiting the continuance of the Bill to three years. The Bill was being passed with a great deal too much haste, and as it was doubtful whether the change would be just it ought to be an experimental and not a permanent measure. The noble Lord proposed to leave out Clause 9.

LORD WODEHOUSE did not deny that the Bill would shift the burden from parishes which were unfairly taxed to parishes which were unfairly exempted, but he maintained that it was a desirable object, and that the omission of the clause would aggravate the inequality, because other provisions in the Bill would bring on the open parishes a still larger burden, and leave those which did not bear their fair share more exempt than before. As regarded unions in two different counties, inequalities might arise from the county assessment being taken as the basis; but, as the county justices could order a new assessment and correct any injustice, he did not deem it a defect in the Bill. With regard to tithes, the Act of 1848 first made a change, and this Bill merely adjusted the burden more fairly. Some tithe owners might have to bear an increased charge, but others would bear a less charge. It could not be contended that the bargain with the tithe owners was such as to preclude Parliament from making any change. He should not consent to omit the 9th Clause, or to make the Bill temporary. They had been passing temporary Acts for fifteen years, and the time was arrived when they were bound to render their legislation permanent. As to the Bill being passed in haste, he would remind their Lordships that in the other House it had received a great deal of consideration, and that their Lordships being well acquainted with the subject could have proposed

Amendments if they had thought them necessary at any of the previous stages.

Question put, "Whether the said Clause shall stand part of the Bill."

Resolved in the *Affirmative.*

LORD REDESDALE then moved "at the end of the Bill to add the following Clause: 'This Act shall continue in force for Three years only.'"

Amendment put, and *negatived.*

Bill *passed.*

REMOVAL OF IRISH POOR BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF ST. GERMANS said, the Bill only proposed to amend the machinery of removal. According to the existing law the poor were sent over to Ireland, badly fed and badly clad, and often landed on a quay, and there left to find their way to their places of destination as best they could. A Committee of the House of Commons on the subject sat in 1854 and 1855, presided over by Mr. Baines, then Chairman of the Poor Law Board; and another Committee in 1858, 1859, and 1860, presided over successively by Mr. Sotheron Estcourt, Lord March, and Mr. Villiers, the latter also Chairman of the Poor Law Board. The Bill was founded on the recommendation of both those Committees; it had passed the Commons, and he hoped their Lordships would also agree to it. This was peculiarly a favourable time to pass the measure; for whereas, in 1850, 77,000 persons landed at Liverpool from Ireland who were manifestly paupers, in the last year only twenty-one such persons from Ireland so landed at Liverpool. He meant not 21,000, but twenty-one individuals only. So that the cost of the removal of the Irish poor would now be exceedingly small. The object of the Bill was that they should not be left destitute on the quays, but be passed to their abodes.

Moved, That the Bill be now read 2ª.

In reply to Lord REDESDALE,

The EARL OF ST. GERMANS suggested that alterations, if needed, could be made in Committee.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

House adjourned at a quarter before Ten o'clock, till To-morrow, Eleven o'clock.

HOUSE OF COMMONS,

Monday, July 29, 1861.

MINUTES.]—PUBLIC BILLS.—2° Consolidated Fund (Appropriation); East India Loan (No. 2); Militia Pay; Militia Ballots Suspension; Parochial Offices; Local Government Supplemental (No. 2); Officers of Reserve (Royal Navy).

3° Drainage of Land; Public Offices Site; Pensions, British Forces (India); Newspapers, &c.

ASSESSMENT OF GOVERNMENT PROPERTY—QUESTION.

CAPTAIN JERVIS said, he would beg to ask the Secretary of State for the Home Department, What are the rules which have been laid down at the Home Office with respect to recommending, or otherwise, commuted allowances towards the payment of rates for Government property in certain parishes?

SIR GEORGE LEWIS said, the rule laid down was where the Government property bore a considerable proportion to the assessable property of the parish, and the subtraction of that property from the parish assessment seriously affected the payment of rates due from the ratepayers, to allow a contribution towards the rates.

CAPTAIN JERVIS said, he wished to know what was the exact proportion laid down as a fixed rule?

SIR GEORGE LEWIS said, there was no exact numerical proportion laid down.

CASE OF THOMAS CARTER.

QUESTION.

MR. HARVEY LEWIS said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to the case of Thomas Carter, who was, on Monday, the 15th of day of July, brought before Thomas Thorpe Fowke and Le Marchant Thomas, Esqrs., at the Ryde Police Court, charged with being a vagrant and sleeping in the open air at Oakfield, and who was committed by those Magistrates to Winchester Gaol for three weeks, and ordered to be kept to hard labour for that period; and, if so, whether he has given, or intends to give, orders for his immediate release?

SIR GEORGE LEWIS said, a letter was written from the Home Department at an early period of last week requesting the committing Magistrate to send a Report in the case of Carter. That Report had not been received at the Home Office, and a second letter was written on Friday last, reminding the Magistrate that he had not sent a report, and requesting that it should be sent. No report has yet been received, and that morning he (Sir George Lewis) had caused a third letter to be addressed to the Magistrate.

THE GALWAY CONTRACT.

QUESTION.

MR. GREGORY said, he would beg to ask the First Lord of the Treasury, What are the intentions of Her Majesty's Government as to renewing Postal Communication between Galway and America?

VISCOUNT PALMERSTON said, that the House was aware that the Contract had been put an end to. The Report of the Committee who considered the subject had been circulated, and was in the hands of Members; but the Evidence taken by the Committee was not yet printed, and until the Government had an opportunity of considering not only the Report but the Evidence also, he was not in a condition to state what might be the intentions of the Government with respect to the future. He had, however, no objection to repeat what he had stated on a former occasion, that it appeared to him, generally speaking, to be advantageous for the commercial interests of the United Kingdom at large to have the most rapid communication possible with Newfoundland, whence there was telegraphic communication with the continent of America. The question would naturally be what point of the United Kingdom was best adapted for that communication? He thought that, geographically considered, Ireland was, and that the most suitable part of Ireland was the west coast. Perhaps the hon. Member would not object if he added that Galway, being the most central point of the west of Ireland for communication by railway with any part of the United Kingdom, appeared to him (Viscount Palmerston) *primâ facie* to be the most desirable place for the purpose. But all these were matters which the Government had to consider, and he could only say, in the absence of the evidence, that he was not able to intimate any specific intention on the part of the Government.

COLONEL FRENCH said, he would beg to ask if the noble Lord would undertake to give an answer to the Question which had been put to him before the close of the Session?

VISCOUNT PALMERSTON said, he could not undertake to do that, as that the matter was one of considerable importance.

CONSOLIDATED FUND (APPROPRIATION) BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

LORD ROBERT MONTAGU said, I rise to move the postponement of the second reading until the Bill be printed and in the hands of Members. A great many assertions have been reiterated last year with regard to the fact that it is the peculiar function of the House of Commons to look after all Money Bills, and to superintend the application and appropriation of the funds which come out of the pockets of the people. This responsibility—and, undoubtedly, it is a serious responsibility—certainly rests upon this House alone. Last year we refused to allow the House of Lords to share it. But, if this be our peculiar function, how do we exercise it? If this responsibility rests upon us, how do we discharge it? If this trust be imposed upon us, and on us alone, do we fulfil that trust intelligently and honestly? What is the real state of the case? The Lords, part of whose duty this is not, have refused to vote for the second reading of any Bill until it is in the hands of Members; they object to pass a measure without knowing what that measure is. But what is our practice? Year by year this Bill has been allowed to pass the second reading; to go through Committee, to pass the third reading, and eventually to pass the House without having been printed and put into the hands of Members. The House, consequently, could not be aware whether it was in the correct form or not—whether it contained the restrictions and restraints demanded by the Constitution, or whether certain clauses were omitted so as to give the executive a full scope, and an uncontrolled sway, over the funds of the country. It had been urged that it was useless to print this Bill, as it was always exactly in the same form every year. Was that the case? In the first Session of the year 1857 (to go no further back) the Appropriation Bill contained the usual Appropriation clause. But the Appropriation Bill of the noble Viscount's Government, passed in the second Session of that same year, contained no such clause; it even had a clause (§ 26) which repealed the Appropriation Clause of the Bill of the preceding Session. What was the consequence? The sums that were voted by Parliament were exceeded. The army grants were exceeded by £1,050,000, and the navy grants by £133,383. This money was not only spent without the sanction of Parliament, it was expended against the expressed wish of this House; yet, as the usual clause had been omitted from the Bill, no remedy was left in our hands. Again, in the first Session of 1859, the usual Appropriation Clause was contained in the Appropriation Bill of Lord Derby's Government. It was passed, however, without having been in the hands of Members; but the Lords refused to let it go to the second reading without having been distributed. In the second Session of that year, when the noble Viscount had come into office, the Bill was again brought in without the Appropriation Clause; and it again contained a clause (§ 22) which repealed the Appropriation Clause of the Bill passed by Lord Derby's Government. And what, again, was the result? The army at the end of the year was found to contain 11,500 men more than had been sanctioned by Parliament; and in order to meet this additional expense, the War Department appropriated other funds to the purchase of military stores: they took £200,000 which had been voted for the building of iron ships; and £519,000 which had been voted for transports. This Appropriation Bill did not contain the usual Appropriation clause; and yet the Chancellor of the Exchequer stated, in reply to the hon. Member for Peterborough (Mr. Hankey), that it was in the usual form! The Chancellor of the Exchequer is not perhaps to be much blamed for this, because this Bill is never prepared in his office. Neither he, nor any of the Ministers, are more able than any other Member to know whether it be correct or not. They cannot, therefore, be responsible to the House for its correctness; they cannot answer for its containing the necessary restraints over the executive. But then this fact proves the whole case which has to be made out; if the Ministers cannot be answerable, then clearly we must have the Bill in our own hands; and we must not allow that responsibility, which we would not permit the House of Lords to share with us, to devolve upon some subordinate officer of the House of Commons. It has been objected that to print this Bill would occasion both a loss of time and an increased expense. But both these objections are easily answered. For the Bill must be printed before the Lords will receive it; and it is well known that the difference, both as to expense and as to time, between the printing of six copies and the printing of 600, is very slight indeed. Besides this, six copies of the Bill have actually been printed, and lie in the office; and yet they refuse to issue them to Members. This is, indeed, a matter of great importance. But the question assumes a far greater magnitude when the constant tendency of all our legislation during the last few years is taken into consideration. Any one who will glance at the pages of a very able periodical which is edited by Mr. Toulmin Smith, must come very quickly to the conclusion that a centralizing tendency prevails in nearly every Bill which is brought before the House. We seem to be getting very fast into the bureaucratic system which caused the great French Revolution of 1792. Formerly the whole government of the country was carried on at parochial boards and by county authorities. Even the taxes were collected in the parishes by parochial officers, and handed into the Treasury by the sheriffs of the counties. The farmers and gentry who executed these functions received no payment; they did it all as a labour of love, or rather as part of the duty which they owed to their country. Now, these local boards have been replaced by central boards in London; and paid officials have taken the place of unpaid farmers. Thus it is that the Civil Service Estimates have been so enormously increased. This, however, is a minor matter, and does not bear upon the question before the House. What is of far greater importance is this: these farmers were not at all under the influence of the Cabinet; they always did that which, after mature discussion, seemed best for their own parish. It made no difference to them which party was in power. Now, on the other hand, the paid functionaries who have taken their place are appointed by the Minister, are paid by the Government, and can be removed by the Minister. They are, therefore, entirely at the beck and bid of the Minister: they are all in his power. The tendency of modern legislation is to establish more of these central boards, and to increase the number of these functionaries. Thus the patronage of the Minister is being continually augmented. He is daily getting things more and more into his power. We are, in fact, gradually drifting into an oligarchy, and settling down under the irresponsible control of a Cabinet—a body not recognized by the Constitution. I do not bring this forward in a party spirit. The one side of the House is no more to blame than the other. The tendency of our legislation has been the same whichever party has been in power. The front bench on your left, Sir, as well as that on your right, seeks to increase its own power and augment its irresponsible control. The Conservatives used to pride themselves upon defending the local self-government and fighting for the ancient municipal institutions of the country. But we, too, have lately been tempted to centralize as well as our opponents. But, Sir, if this be so, is it not more than ever important that the House should prevent the Cabinet from obtaining also an irresponsible control over the funds supplied by the people, by omitting all those restraints which the Constitution has imposed? Should we not try to stop a system which has been so silently but so steadily growing and gathering strength? Our forefathers were very particular about this matter on which we have grown so lax. Just after the Revolution of 1688, Lord Somers framed some Appropriation clauses with the greatest care. But it is wrong to call that period a Revolution; for it was not a subversion of the Constitution—it was a return to the ancient state of things, and a revivifying of the Constitution. During King James's reign an oligarchy had obtained an irresponsible power. But there was this difference between that time and our time: the cabal of that day shore the people of their liberties, but did not infringe upon the prerogatives of the Crown. The Cabinet of this day robs the people of their ancient liberties, and also arrogates to itself the prerogatives of the Crown. In 1688, when the ancient liberty was again restored, Lord Somers — the mention of whose name is enough to command respect for all he did—drew up certain Appropriation clauses, in order to bar any future infringement of the liberties of the people in that quarter. A Parliament was summoned and passed this Act. It is the 1 *Wm. & Mary*, s. 2, c. i. The Appropriation clauses (§ 45–53 and § 55) were not repeated in subsequent Acts, but were referred to in the following stringent terms:—

> "And to the end the sums by this Act appropriated may not be diverted or applied to any other purposes than are hereby declared and intended. Be it further enacted by the authority aforesaid, That the rules and directions appointed and enacted in one Act (1 *Will. & Mary*, Sess. 2, c. 1) intituled 'An Act for granting to their Majesties an aid of two shillings in the pound for one year, for the speedy payment of money thereby granted into the receipt of the Exchequer by the collectors and receivers, and for the distribution and application thereof and keeping distinct accounts of the same and all other provisions, pains, and penalties and forfeitures thereby enacted in case of diversion and misapplication of any money thereby appropriated, are hereby revived and enacted to be in force and shall be practised, applied, executed, and put in use for and concerningthe distribution and application of the said sums hereby appropriated as fully, amply, and effectually as if the same were here again particularly repeated and re-enacted.'"

When this good practice fell into desuetude I cannot state. But at the present day the clause which is in vogue is as follows:—

> "The said Aids and Supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever other than the uses, intents, and purposes before-mentioned or for the other payments, appropriation, or application directed to be made or satisfied thereout by any Act or Acts or any particular Clause or Clauses for that purpose contained in any other Act or Acts of this Session of Parliament."

That is the clause which is given in Mr. May's *Practice of Parliament*, p. 538. This was a matter upon which our forefathers exercised a great deal of strictness. A reference to the Journals of the House will show that Edward Seymour, Esq., Member of this House, was impeached on Saturday, Nov. 20, 1680, for eluding the Appropriation Act. A Committee was appointed, which reported on the Thursday following. And the House passed a Resolution declaring that such a misapplication is a sufficient ground for impeachment. On May 15, 1711, several Resolutions were passed to the effect that the application of even an unexpected surplus is a misapplication of public money, it not having been previously sanctioned by Parliament. On Jan. 12, 1784, a Resolution was carried, declaring that even after Votes in Supply have been passed, yet for any Minister to sanction the payment of these without an Act of Appropriation previously passed—

> "Will be a high crime and misdemeanour, a daring breach of a public trust, derogatory to the fundamental privileges of Parliament, and subversive of the Constitution of this country."

In latter years, however, this House has become far more negligent and lax. For in 1845 a clause was introduced into the

Appropriation Act by the hon. Baronet the Member for Carlisle (Sir James Graham) to give the Treasury power to alter the relative amounts of the grants for the army and navy, provided the whole sum total were not exceeded. Yet on March 30, 1849, the following Resolution was carried :—

> "When a certain amount of expenditure for a particular service has been determined upon by Parliament, it is the bounden duty of the department which has that service under its charge to take care that the expenditure does not exceed the amount placed at its disposal for that purpose."

We learn, also, from Mr. May's *Practice of Parliament*, that it used to be customary to vote an instruction to the Committee on this Bill to receive a clause of Appropriation ; and that this practice was discontinued in 1854. Thus it was that we find an entry in the Journals to the effect that the title of the Bill had been changed in Committee. For instance, in the Journals, vol. 109, p. 479, there is this entry—

> "Mr. Bouverie reported, That the Committee had gone through the Bill, and had amended the title thereof; which title is as followeth :—A Bill to apply a sum out of the Consolidated Fund, and certain other sums, to the service of the year 1854, and to appropriate the Supplies granted in this Session of Parliament."

It will be seen at p. 473 that the original title of the Bill did not contain the words "and to appropriate the Supplies," &c. Thus, until the year 1854, the House of Commons took measures to insure that the Appropriation Bill contained the usual restrictive clause ; but since that time the Bill has not been printed and placed in the hands of Members, although there is no security that the usual form of the Bill is maintained, and the House remains in ignorance whether the Bill contains the Appropriation Clause or not. In 1857 and in 1859 it was omitted. On March 11, 1861, the hon. Baronet the Member for Evesham (Sir Henry Willoughby) moved an Amendment to the question that you, Sir, do leave the chair, which he withdrew on obtaining a distinct promise from the Government that they would not alter the Appropriation of any sums. Nevertheless, as the Bill is always drawn without their cognizance, this House should ascertain that the Bill is in the proper form, and should not allow such an important responsibility to devolve on a minor officer of the House. If, therefore, we desire honestly to discharge this responsibility ; if we would fulfil the trust imposed upon us by our constituencies ; if we would redeem some of the many pledges which we have given, or if we would but emulate the self-respect entertained by the Lords and refuse to be led blindly in the dark, then we shall insist upon getting this Bill into our hands before we vote that it be read a second time. We, on this side of the House, glory in the name of Conservatives. Of what are we Conservatives, if not of the ancient practice of local self-government and of the time-honoured municipal institutions of the country ? Those on the other side of the House profess a love of liberty and call themselves the friends of the people. Are they friends but in name and in empty profession—merely *verbum tenus amici* ?—or do they entertain any real anxiety to defend and preserve the rights of the people ? If so let both join in stopping the progress of a baneful system which has been silently but steadily growing.

Amendment proposed, to leave out from the word "be" to the end of the Question, in order to add the words "not read a second time until it has been printed and in the hands of Members," instead thereof.

MR. W. WILLIAMS said, that about five years ago a clause had for the first time been introduced into the Appropriation Act calling upon the Government, on the presentation of the Army and Navy Estimates to mention a deviation which might have taken place in the expenditure from the objects for which the money was voted in the previous year. He wished to know whether such a clause was contained in the present Bill?

MR. THOMSON HANKEY felt obliged to the noble Lord, the Member for Huntingdon, for having brought the matter forward. He, however, took objection to the Bill on other grounds than those which the noble Lord had stated. He had obtained a return of the amounts voted in Supply and in Ways and Means in 1860-1, with an abstract of the manner in which those amounts were set forth in the Appropriation Bill of 1860-1. It showed that the sum £60,123,174 had been voted and paid, and what he wished was that it should be made intelligible in the Appropriation Act itself what were the amounts that had been voted in Committee of Supply. He had taken the liberty of suggesting a mode by which the Act could be made more intelligible by an alteration of the marginal reference. As they were given at present he would defy any Member to make out the total amount which had been voted during the year. What was the objection to the alteration? He had made inquiry of the officers of the House, and was referred to Mr. Jones, who said he could not alter anything in the Appropriation Act, not even the marginal references, without the sanction of the Speaker. He had referred to the Speaker, and was given to understand that the alteration could not be made under the present form of procedure. He could not understand what the objection to the alteration was. It seemed to him to be a very simple thing. It did not interfere with the body of the Bill, but simply with the marginal references, and he should be very glad to hear what was the objection to it. He thought hon. Members should be able to understand what were the sums voted and what had been done with them from the Appropriation Bill itself; but he hoped, at least, in the beginning of the next Session the finance accounts would be in the hands of Members so as to enable them to understand the application of the sums voted.

General PEEL wanted to know out of what funds the sum of £206,000 voted the other night as excess of military expenditure had been paid. The Chancellor of the Exchequer, in his financial statement at the commencement of the Session, stated that it would not be paid out of the revenue for this year. It could not have been paid out of the Vote of Credit of last year, because that Vote, according to the Appropriation Act, was applicable only to the payment of sums authorized by Parliament last Session. The charge must have been met in some way or other, and he should like to know in what?

The CHANCELLOR of the EXCHEQUER said, there could be no doubt about the question of military excess. What he stated in his financial statement was that no provision would require to be made for that excess in the finance of the present year, inasmuch as it consisted of money which had been already paid. He did not understand the gallant General to dispute the fact that it had been already paid. Of course, therefore, it could not enter into the finance of the present year, having been paid out of the issues of the year to which it now stood as an excess. [Mr. Peel: 1860-61.] His right hon. Friend, who understood the matter, would probably explain it to the House. He did not think that the observations of the hon. Member for Peterborough (Mr. Hankey) with respect to the Appropriation Bill were applicable to the present stage of that measure. The hon. Member thought that the structure of the Bill might be improved. That was a matter well worthy the attention of the House, and all he could say was that any suggestion upon that subject would, doubtless, be favourably entertained at the proper time—namely, either in Committee on the present Bill, or upon some convenient occasion next Session. The noble Lord opposite (Lord R. Montague) had truly stated that it was not for the Government but for that House to say how the Appropriation Bill should be dealt with. For his own part, he did not object to the Motion of the noble Lord on the ground of expense, because the question of the cost of delivering 600 copies of the Bill, if it were desirable on public grounds that it should be so delivered, was an utterly unimportant consideration. His objection to the Motion was one of a very different character. When the noble Lord said that the Bill should be delivered, he did not, of course, mean that it was to be regarded simply as so much waste paper. The noble Lord, doubtless, intended that it should be carefully examined by hon. Members, and that the multitude of figures which it contained should be subjected to a rigid investigation. For that purpose some time must be allowed; because a Bill of thirty-four pages could not be presented to hon. Members in the forenoon, and they should be asked to discuss it in the afternoon; in fact, what with the time which must necessarily be given to the officers who prepared the Bill, and to the printer who printed it, and that which must be allowed to hon. Members to consider its various clauses, he probably was not far wrong when he stated that five or six days must be interposed between the Motion for leave to introduce the Bill and the Motion for the second reading. Such was the addition which, if the Motion of the noble Lord were agreed to, must be made to the length of the Session. Now, everybody knew that when the Appropriation Bill came on there was a very great, and certainly a very natural anxiety on the part of hon. Members that it should be proceeded with from day to day, and therefore the real question before the House was whether the Session should be lengthened by about a week for the purpose of enabling those who might feel inclined to check the figures contained in the Appropriation Bill. The practice which the noble Lord now sought to introduce had not been adopted in cases where it might have been acted upon without adding to the length of the Session. No proposal was made to print the Consolidation Bills passed during the course of the Session, though they gave authority to the Government to issue £27,000,000; nor had the noble Lord required 600 copies of the Exchequer bills Bill to be delivered to hon. Members, though both of these might have been printed without interfering with the length of the Session; but in the only case in which the noble Lord proposed to have the Bill printed there would be that inconvenience which, according to the present course of business, would, he feared, be thought a very serious one by the House. At all events, he would suggest to the noble Lord that, instead of making such a Motion as the present, he should bring the matter forward at an earlier period of the next Session, when the House would have the opportunity of considering fully the amount of inconvenience likely to be incurred. He (the Chancellor of the Exchequer) estimated the advantages from the course proposed very low, but that might not be the opinion of the House, and it would be for the House, and not for the Government, to lay down the course of procedure in matters of this kind. The apprehensions of the noble Lord on account of the liberties of England were mainly connected with the fact that in two particular years one of the clauses of the Appropriation Bill, which the noble Lord called the Appropriation Clause, was omitted. But if any clause in particular was to be called the Appropriation Clause, it was plain that it was not the clause which the noble Lord mentioned, but the 10th Clause, which provided that the monies coming into the Exchequer should be appropriated, and were thereby appropriated as the House had directed. His impression was that that clause, although it might be inserted as a declaration of constitutional principle, was, in point of law, mere surplusage, because the Government had no authority to appropriate those monies to any other purposes than those for which Parliament had appropriated them. In other years to which the noble Lord referred, a difficulty arose in connection with the wording of that particular clause on account of the fact that there had been two Parliaments in both those years—1857 and 1859—before the Appropriation Act was passed, and that was the ground of the omission of the clause. He would therefore suggest to the noble Lord, if he thought the subject worthy the attention of the House, to bring it forward on a future occasion, when the House might see how to reconcile those views with its convenience, which he thought was that the prorogation should take place as soon as possible after the Supplies had been granted.

MR. SOTHERON ESTCOURT said, the answer of the Chancellor of the Exchequer to the noble Lord the Member for Huntingdonshire was very complete according to the present mode of conducting business; but the question was whether that mode was the proper one. The effect of the noble Lord's proposal would, no doubt, be practically to prolong the Session for a fortnight, but why should it be necessary to bring in the Appropriation Bill the moment the last Vote in Supply had been taken? In his opinion at least a fortnight should be interposed. The proper mode of proceeding would be next Session to determine beforehand how this part of their business should be transacted. If his noble Friend would at the commencement of next Session propound a scheme, or move a Committee for the purpose of devising the best scheme for arranging the business of Supply, so that the House should have an opportunity of comparing the Appropriation Bill with the Votes of Supply, he would be conferring an important service, and would deserve the thanks of the House.

SIR GEORGE BOWYER said, that if the speech of the Chancellor of the Exchequer proved anything, it proved that the Appropriation Bill was perfectly useless. The Chancellor of the Exchequer said they were bound to vote for the second reading of an Appropriation Bill, of which they knew nothing, merely because the Government managed matters so badly that hon. Members might be kept in town for a period that might not be convenient. He wanted to know why the Appropriation Bill was to be dealt with upon a principle different from other Bills? It was generally understood that they ought not to be called upon to vote for the second reading of a Bill which they had not read over. Now, he said that this Bill was of so much importance that the business of the House and country should be managed in such a manner that the Bill could be dealt with as other Bills, and Parliament ought not to be called upon to vote for a thing which they knew nothing about. This Bill was not a mere blank sheet of paper, but was a measure intended to put an actual check upon the way the money voted by Parliament was expended by the Government—it was very different from the Consolidated Funds Bill, for the simple reason that it was an Appropriation Bill. The noble Lord had been asked to bring the matter forward next Session, and to propose a scheme of his own. Now, though it might be very well left in the hands of the noble Lord, yet it was the duty of the Government to take it up, and he should like to have a pledge from the Chancellor of the Exchequer or some other Member of the Government to that effect.

Mr. HENNESSY wished to know who was responsible for this Bill. Unlike other Bills, it did not state by whom it was prepared and brought in.

The CHANCELLOR of the EXCHEQUER: It was brought in by Mr. Massey, the Chancellor of the Exchequer, and Mr. Peel.

Mr. HENNESSY: It is not so stated on the back of the Bill.

The CHANCELLOR of the EXCHEQUER: It so stated in the Order-book. The Bill is only in proof.

Mr. H. BAILLIE would not recommend his noble Friend to withdraw his Amendment unless the Chancellor of the Exchequer was prepared to give some pledge that such an irregularity as he thought had now taken place should not recur. It might be for the convenience of Gentlemen on the Treasury bench that Parliament should be prorogued as soon as possible; but, so far as those who sat on the Opposition benches were concerned they were quite prepared, if necessary, to sit there for a month longer, in order properly to transact the business of the country.

Sir CHARLES WOOD said, that no irregularity whatever had occurred. The Appropriation Bill had been prepared and introduced just as its predecessors had been for the last fifty or one hundred years. The form was prescribed by the House, and no sort of objection had ever been taken to it. Hon. Gentlemen opposite were, it seemed, quite prepared to sit another month longer; but what advantage would there be in sitting another month in order to do something in a different mode from that which had been the invariable practice of that House, and to which no substantial objection could be urged?

Mr. SPOONER reminded the right hon. Gentleman that the subject had been discussed last year, and if his memory did not deceive him, a pledge had been given that the irregularity which then occurred would not be repeated. If the Appropriation Bill were not a farce, he hoped something would now be done to correct what he thought a serious anomaly.

Sir GEORGE LEWIS apprehended that the Votes in Supply during the Session were the real appropriations, and constituted the substance of the Appropriation Bill. The Votes were brought by the Executive Government before the Committee of Supply and discussed in Committee, and each Vote was, in fact, an appropriation. But, technically speaking, it was necessary to have an Act of the Legislature, and in order to that the Votes were combined in a Bill appropriating them to their several destinations. The preparation of that Bill had always been considered, very properly, the act of the clerks of that House. It involved nothing but a clerical function. There was nothing in the Bill on which any discretion could be exercised. It had never been until lately the practice to print even a single clause; but a few years ago there was a request made that one or two clauses might be printed, and they were printed. To represent the present mode of proceeding with the Bill as an innovation and unconstitutional was a simple delusion, and as wild a chimera as ever entered into the brain of any Member of the House.

Mr. AYRTON thought the objection to this mode of proceeding came very properly from the noble Lord, who he believed, was a descendant of the illustrious financier with whom the Appropriation Bill originated. It was certainly important to observe that the Bill had been altered in its terms without the knowledge or sanction of the House. ["No, no!"] He was merely stating what was a matter of fact; and the denial only showed how necessary it was, as a matter of precaution, that the Bill should be printed. He thought the reasons alleged by the Chancellor of the Exchequer against that course were conclusively in favour of the recommendation of the noble Lord, for the House had been degraded during the last two Sessions by the course pursued by the Government of postponing Votes in Supply to so late a period of the Session, when they were hurried on, morning and evening, without Members being able to give that attention to them which it was right they should give. He really thought the Bill should be printed in order that the Government might be compelled to submit the Votes in Supply at a period when they could receive due attention. He could not agree that a Vote in Supply authorized the expenditure of public money. That could only be done by Act of Parliament, and since the Votes had been thus hurried by the Government it was highly necessary that the House should possess the opportunity afforded by the Appropriation Bill of again taking the sense of the House on any particular Vote which had not been properly considered at the time it was passed. He was astonished at the doctrine laid down by the right hon. Gentleman (Sir George Lewis) and denied that the Bill was a mere form. It was, he apprehended, quite competent for a Member to challenge any of the Votes in the Bill, and to divide thereupon. It might not be desirable to divide the House upon the present occasion; but he hoped that the noble Lord at the head of the Government would in a future Session bring forward the Votes at a proper period, so that there was time to discuss them. If the representatives of the people possessed any function in that House, it was surely that of checking the frightful expenditure and the extravagant waste in which the Government now indulged.

VISCOUNT PALMERSTON: There can be no greater aggravation of an injury than to accompany it with mockery, and there can be no greater injustice than for those who have inflicted an injury to make that injury a subject of reproach to those who have suffered by it. The hon. Gentleman reproaches the Government with not bringing on the Votes in Supply at an early day, and finishing them sooner than at present. That reproach comes from independent Members, whose interposition of preliminary Motions every night upon which we go into Supply raises the interminable discussions which are the real cause of our finishing Supply so late. I must say that is a reproach which I think, upon reflection, my hon. Friend will find applies to other parties than the Government. We began Supply as early as we could, and if it has spun out until the end of the Session it is because hon. Gentlemen—and I do not blame them—having a great number of topics to call attention to, select the Motion that the Speaker do leave the Chair to go into Committee of Supply as a fit opportunity for raising discussions. I do not blame them, but still we ought not to be reproached for the delay. The hon. Member also found fault with us for saying that a Vote in Supply is an authority to issue the money. No one doubts that the moment a Vote in Committee is passed the Government is empowered to spend the money. It is quite true that for the purposes of audit the preliminary sanction of the three branches of the Legislature is necessary, and that is what the Appropriation Act gives; but that Act does not alter a single Vote. It is a record of past transactions, and does not afford the House an opportunity of altering any Vote. No one supposes that in the Appropriation Act we can increase or diminish any Vote. It is simply a form that is required by the Constitution, but it is not a Bill to give rise to any discussion.

MR. HENLEY thought, from the time the conversation had taken, that they were getting into an awkard position. The Prime Minister told them they could not deal with any article in the Appropriation Bill. He (Mr. Henley), on the contrary, thought it was competent for any Member to take the sense of the House upon every one of the items in that Bill, and for the House to determine whether it should be struck out or not. The Secretary of War as well as the Prime Minister spoke of the Bill as a mere form; but that was putting the question in a strange and inconvenient light. An hon. Gentleman made a Motion upon going into Supply the other night, which the Speaker ruled to be out of order, and he (Mr. Henley) then said publicly, and without contradiction, that the hon. Member could raise the question upon the Appropriation Bill. If the Bill was a mere form, and the Exchequer was entitled to issue money simply upon a Vote in Committee, that was a view for which he was not prepared. It would have been better if this question had been raised earlier, so that the officers might have had time to prepare the Bill for printing; but he could not see what difficulty there would be in preparing the accounts as the Votes passed through the Committee of Supply. It was not as though the whole of the Votes in Supply were reported in the last nights of the Session, for most of them had been reported long since. He hoped, however, that his noble Friend would not press his Motion upon this occasion. It would probably be convenient to adopt some course like that he had suggested at the beginning of the next Session. He thought the Prime Minister hardly felt the importance of the statement he had just made; he had always understood it was the privilege of any Member of the House to propose to strike out a money Vote on any stage of the Appropriation Bill.

Viscount PALMERSTON explained that he did not at all dispute the power or right of the House to make any alteration it pleased in a Bill as it passed through its several stages; but it had never been a custom, by alterations in the Appropriation Bill, to rescind the previous acts and Votes of the House.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *To morrow*.

PUBLIC OFFICES SITE BILL.

THIRD READING.

Order for Third Reading read.

Mr. AUGUSTUS SMITH protested against the power taken by the 2nd Clause of the Bill. It gave compensation to the Land Revenue for the transfer of any premises, being public property, that were required under the Act. It was monstrous that a department should be compensated for the transfer of public property required for the site of public offices. If the principle were applied in this case, it might be be applied to all property.

Bill read 3° and *passed*.

WILLS AND DOMICILE OF BRITISH SUBJECTS ABROAD BILL.

COMMITTEE.

Order for Committee read.

The ATTORNEY GENERAL said, that it would perhaps be convenient before making the formal Motion that the Speaker do now leave the chair, if he were to extend the few preliminary observations he had to make to the Bill which stood next in order, namely, that respecting the Wills of Personalty by British subjects dying abroad, as no description of that measure—which had much in common with the other—had been given on the second reading; the object of the Bill first in order was to obtain, by convention with such foreign Governments as might think proper to join, a definition of what "domicile" was. The question of domicile had of late forced itself into a good deal of notice before the various tribunals of this country, especially in connection with the wills of British subjects made out of this country. The rule was that the law of the country of a person's domicile at the time of his death should govern the distribution of the personalty left behind him; and very nice questions had arisen as to whether a British subject had at the time of dying or making his will, as the case might be, acquired a foreign domicile, or still retained his British domicile. Much disappointment had been suffered by persons who were entitled in fairness to the property, by the difficulty and expense of having the question decided; and, after all, the decision had often been very unsatisfactory. It would, therefore, be a great advantage if the question "What is domicile?" were settled once and for ever. That, however, could not be done without conventions with foreign Governments, because the tribunals of different countries might take different views. A uniform rule was the main object of the present Bill. It provided that where a convention should have been entered into no British subject resident at the time of his or her death in a foreign country should be deemed, or admitted, under any circumstances, to have acquired a domicile in such country, unless such British subject had resided there for one year immediately preceding his or her decease, and had also deposited in a public office of such foreign country a declaration in writing of his or her intention to become domiciled in such foreign country. This would give most satisfactory evidence of the animus of the testator, by a solemn and deliberate act; and to this part of the measure he apprehended no objection would be raised. There was a corresponding provision with respect to foreigners dying in this country. Then there followed an independent provision of a very valuable kind, to the effect that after a convention on the subject had been made it should be lawful for the Queen in Council to order that whenever a subject of a foreign country should die within the dominions of Her Majesty, and there should be no person at the time of death rightfully entitled to administe to the estate of the deceased, it should be lawful for the consul, vice-consul or consular agent, of the foreign State to which the person belonged, to take possession of the property. The advantage of the corresponding arrangement to this country would be that when a British subject died in a foreign country without a representative on the spot, the British consul would be warranted by the convention in taking possession and administering the property for the moment, and so to provide for the decent interment of the deceased, and prevent any spoliation of the property. Now, there was a Bill standing in the orders, immediately below this, which had come down from the Lords. It was entitled, "Wills of Personalty by British Subjects," and had also reference to those wills as affected by domicile. The object of that Bill was to put an end to the law that the validity of the will depended upon the law of the domicile of the testator. But if the Bill first in order should pass, the evils and mischief arising from the doubt and difficulty of defining what constituted domicile would be very much mitigated; because there would be an authoritative declaration of domicile ratified by convention with foreign Governments. The framers of the Bill with respect to wills of personalty by British subjects abroad had in view the evils resulting from the application of the provision that the law of domicile was to govern the will; but the House, he anticipated, would be of opinion that this second Bill, to which he was referring, went too far, and would produce mischiefs and dangers beyond the evils it was intended to remedy. By this Bill it was provided that the will should be sufficient if made according to the law of the place where it was executed, or the law of the place where the person making the will was domiciled, or the law in force in any part of the United Kingdom. Thus, a London merchant who had never set his foot across the border, going to Paris or Naples, and making his will there, might make his will either according to the law of England or of Scotland. Why should an Englishman having a domicile of origin in England have a choice of this kind? Some years ago great pains were taken to settle the law of wills in England; and if this Bill from the other House became law that measure would be to a considerable extent repealed. A British subject, for example, might be travelling, and, having been some time on the Continent, he might have written an informal instrument in the nature of a will. That instrument, being found among his effects, although it might not have complied with the formalities of the English law of wills, nor have been intended to be a will, yet, as the instrument might be conformable to the testamentary law of the country—Norway or Sweden, for example—in which he might be travelling, would acquire testamentary validity under the Bill from the Lords. He believed, however, that the Bill he had first mentioned, which had reference to the wills and domiciles of British subjects abroad, would on all hands prove of advantage and facilitate future legislation. He would suggest to his hon. and learned Friend (Sir FitzRoy Kelly) who had charge of the "Wills of Personalty by British Subjects Abroad Bill," not at present to persist in pressing the measure on the House. They would thus have an opportunity of seeing the effect of the first Bill before discussing the second measure. He trusted his hon. and learned Friend would, at all events, defer the second Bill for the present.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR FITZROY KELLY said, that he had listened with great surprise to the speech of his hon. and learned Friend the Attorney General, who, without any explanation regarding the state of the law, or of the necessity for amendment, and without any real reasons assigned—on grounds entirely fallacious—called upon the House to approve of the Bill he had brought forward himself, and called upon him (Sir FitzRoy Kelly) to withdraw a Bill which had passed through the House of Lords with general assent and approbation. The attention of both Houses of Parliament had been called to this important subject in 1857 and 1858. The then Attorney General (the present Lord Chancellor) brought forward a Bill, unlike the Bill of his hon. and learned Friend the Attorney General in some points, though certainly with the same object; but as it appeared to be entirely inadequate to the ends proposed, and left the law as unsettled and uncertain as it was before, it did not receive the approbation of the House, and was not pressed. With regard to the Bill which had been introduced into the House of Lords by Lord Kingsdown—the Wills of Personalty by British Subjects Abroad Bill—which his hon. and learned Friend the Attorney General suggested that he should withdraw, he begged to remind the House that in 1857 a Bill much to the same effect not only received the approbation of the House of Commons, but was approved of by the present Prime Minister and the present Secretary of State for Foreign Affairs. It was also approved of and supported in the other House by Lord Clarendon, who at the time held the office of Foreign Secretary. It would have passed the House of Lords but for the lateness of the period of the Session at which it was introduced. Again, in 1858, the Bill was re-introduced and passed without opposition in that House, and received the approbation of the then Ministers of the Crown, though subjected to some slight criticism of the Attorney General. It was sent to the other House, but fell a victim to the rule of not receiving a Bill, except of great urgency, at a late period of the Session. The Bill which his hon. and learned Friend now called upon him to withdraw, having been introduced into the House of Lords by the high authority of Lord Kingsdown, was referred to a Select Committee of that House, and underwent a most searching examination. It was unanimously adopted by that Select Committee, and passed the House of Lords with the entire approbation of the Ministers of the Crown in the Upper House. He would attempt to explain in a few words the grievances which arose from the existing state of the law. Some thirty years ago a decision was pronounced by the Court of Delegates, happily no longer existing, which, upon the faith of an old maxim, entirely inapplicable to the circumstances of the present times—*mobilia sequuntur personam*—determined that the will of a British subject domiciled in a foreign country must be made according to the law of the country of the domicile at the time of testator's death. Thus things stood until the other day, when a British subject made a will in Paris, having an attorney sent from this country for the purpose, and executed it according to the law of England. The case went before the Privy Council, and there the testatrix was held to have died domiciled in Paris, and the will was declared invalid. The effect of that decision was this, that every British subject who made his will, whether in this country or in any other, if it should turn out in the opinion of a jury or of a Court of Probate that that person had acquired a domicile at the time of his death in a foreign country, and that the will was not made according to the form of law prevailing in that country, the will was void. That decision would have a most mischievous effect on many wills made of late years. If a British subject, having made his will in England according to the law of the land of his birth, went abroad, a jury or Court of Probate might hold that he went abroad with the intention of permanently residing there, that he had his domicile abroad, and that, consequently, his will was void. Thus, not only was a person bound to ascertain the law of the country in which he had acquired a domicile, but he was bound to foresee at the time of making his will what would be the country of his domicile at the time of his death. Very great difficulties must arise from this state of things, for scarcely two Judges sitting on the bench were able to agree as to the law of domicile, as it depended not only on what a man might do, or say, or write, but upon his intention, or what was passing in his mind. The Bill of which the Attorney General had moved the second reading made the validity of the will of every British subject to depend upon the question of domicile; because it provided that a convention should be entered into with foreign countries, under which no person was to be held to have acquired a foreign domicile except by a continuous residence of one year before his death; unless he should have made a formal declaration in writing that he desired to transfer his domicile to the country of his residence. He appealed to his hon. and learned Friend himself to say whether there was any question arising in courts of law in this or in any other country that was attended with greater difficulties and perplexities than the law of domicile. The Bill of the late Attorney General (the present Lord Chancellor) proposed to make an amendment of the law in this respect, which at present was fraught with mischief and inconvenience, to depend upon treaties or conventions being entered into with foreign countries, and upon offices being established abroad, at which a person was to state his intention to acquire a domicile. He (Sir FitzRoy Kelly) considered that such a Bill was entirely inadequate to the ends proposed, and that it must necessarily continue for a long period of time, perhaps for ever, all the mischief and inconvenience arising under the present law. But, on the other hand, the object of the Bill introduced into the House of Lords by Lord Kingsdown was simple, plain, and clear. It proposed that no genuine will made by a person who believed he was disposing of his property as he had a right to do according to law, and who made it according to the law of any part of the United Kingdom, or of the country in which it was made, or of the country in which the testator had acquired a domicile, should be rendered ineffective because he might at last die domiciled elsewhere. He heard with some surprise the statement of the Attorney General, that the provisions of the Bill of Lord Kingsdown were at variance with the international law of Europe. He said, without fear of contradiction, that the effect of that Bill would be to make the law of England conformable to the public law of Europe. He also ventured to assert that, according to the public law of Europe, every will was valid which was made according to the law of the country in which it was made. The improvement in the law which the Bill now before the House was intended to effect was made contingent upon treaties which might never be entered into, and which even if effected would leave the law attended with all the evils which were completely remedied by the Bill of Lord Kingsdown. He did not, however, object to going into Committee on the present Bill if it were the wish of the House.

SIR GEORGE BOWYER rose to move that the House go into Committee on the Bill that day three months. He very much regretted that while taking that course he had not the benefit of having among his auditors the present Lord Chancellor, who was so much in the habit of accusing those who differed from him of ignorance; because if the noble and learned Lord were present he might enlighten the House as to the principle on which his Bill was founded—although he (Sir George Bowyer) defied either the noble and learned Lord or anybody else to prove that it was founded on any principle which could be clearly understood by a legal mind. There was, however, no use in indulging in idle regrets, for the noble and learned Lord had gone beyond recall to enlighten the ignorance which existed in "another place." The House must, therefore, make the best of the Bill in his absence, and he should with the permission of hon. Members draw their attention to its preamble, which referred to the question of the validity of wills made abroad and the disposition of personal property by means of such instruments, according to the law of England, and recited that the same could not be amended effectually without the consent and concurrence of foreign States. That he denied. He maintained that the law of England made effectual provision in the matter, and was fully competent to do so, and that the first and second clauses of the Bill could be carried into effect without a convention, and that, consequently, the preamble was founded upon an allegation entirely groundless in point of law. No convention with a foreign country was required to alter the law as administered in the courts of England. It was said that a convention would be necessary for the purpose of determining the domicile of a foreigner resident in this country. He denied that proposition, because the law of a country was supreme within its own territory, and it was competent for Parliament to determine without a convention under what conditions a foreigner resident here should be admitted by the English law to be domiciled in England. He ventured to say that if the Foreign Secretary were to ask any foreign Government to enter into a convention with us on the matter he would be laughed at. Then there was another absurdity in the Bill. The Bill provided that by a declaration in writing a British subject resident in a foreign country should be able to declare that he was domiciled in that country, and that such declaration should have the effect of proving him so domiciled. No Act of Parliament was requisite for that purpose, because domicile was a question of intention and of fact rather than of law. The law was sufficient as it stood. What the Bill did it did injuriously, because it excluded all proofs except a declaration in writing. He thought that a very mischievous interference with the law of nations, because it provided only one proof of domicile and allowed of no other. Perhaps the Solicitor General would tell him that a convention was necessary in the case of British subjects dying abroad and leaving property in a foreign country. But for that purpose no Act of Parliament was necessary; it could be done by treaty. There was not a case in fact which made such an Act as this necessary. He believed if the Bill passed it would be for the most part a dead letter. It was, moreover, open to the objection that it fixed the errors in the English law at present. He repeated that by the law of nations the domicile of the testator had nothing whatever to do with the question. *Vattel*, as quoted by Storey, clearly laid down that the forms and solemnities required for the execution of a will were the forms and solemnities required by the law of the place where the will was executed, and not by the law of his domicile. He objected to this Bill because it tended to perpetuate the greatest defect in our law—the doctrine that the validity of a will depended on the law of domicile. The law of domicile ought not to be allowed to defeat the will of a British subject resident abroad, because the validity of a will depended by the law of nations, not on the law of domicile, but on the law of the place where it was executed. If a will were executed according to those forms and solemnities required by the *lex loci*, it was valid all the world over. Lord Kingsdown's Bill was based on the soundest principles of public law and practical utility; but he did not see how it was possible to place this Bill and that of Lord Kingsdown together on the statute book. He moved that this Bill be committed this day three months.

Mr. HENNESSY seconded the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

The SOLICITOR GENERAL said, that there was nothing in the two Bills in the least inconsistent with each other, and each might be discussed with perfect convenience on its own separate and independent merits. The Bill before the House dealt with the subject from a point of view entirely distinct from that involved in the other Bill. The Bill from the Lords dealt with the question what authentication should be necessary to establish the *factum* of a will; the Bill before the House dealt, in all the clauses except the last, with the question what authentication should be necessary to establish the *factum* of domicile with respect to the subject of personal succession. The Bill which was next to be submitted to them applied only to cases in which a man dying abroad had made a will, but did not apply to the important question of succession in cases of intestacy. Therefore, the House might decide on both Bills without any conflict between the two. There would be great advantages in passing this Bill on the supposition that foreign nations would be willing to enter into conventions on this subject with this country. If they would not the Bill would fail: but he could not see why foreign nations should object. He might remind the House that during the present Session it had passed a Bill which provided that, by means of conventions precisely similar, questions of foreign law might be sent to foreign countries, in order that the law of those countries might be stated for the guidance of the courts of this country. He wished the House to see the advantages which would be gained if such conventions were entered into. In the first place, all must have observed what extreme inconvenience would arise from introducing local laws affecting the succession of personal property into particular countries—laws which would not be recognized as to the personal property of the same persons in other countries. Though it might be true that in most countries, as to the authentication of the instrument, the *lex loci* had been permitted to prevail, yet his hon. and learned Friend (Sir FitzRoy Kelly) could not mean that in the distribution of the estate and the succession to personal estate the law of domicile was not universally regarded. Therefore, it was quite clear that in dealing with the really important question of the distribution of the estate, the succession to property, and not the mere authentication of the instrument, they could not escape the necessity of attending to the law of the domicile. The fixing of the domicile was at present a question of the most extreme difficulty. The whole history of a man's life, from his birth to his death, was constantly the subject of investigation with a view to ascertain it. Lord Kingsdown in the House of Lords referred to the enormous expense incurred in prosecuting those difficult inquiries, and mentioned an instance in the courts of this country in which the costs amounted to £30,000. The object of this Bill was to reach that difficulty. As to the distribution of the estate, whether a man died testate or intestate, the other Bill was silent altogether; but this Bill reached the cases both of testacy and intestacy, and also dealt with the subject of domicile so as to get rid of all the enormous sources of expense which existed in the present state of the law. It was proposed by the mutual consent of this and of foreign countries to require certain necessary evidence of the fact and of the intention—of the fact, a certain length of residence; and of the intention, a declaration made for that purpose. It prescribed a method of proving domicile *animo et facto.* At present many persons were compelled to die intestate, because neither France nor England would recognize the law of domicile acted upon by the other. This was a serious evil, of extensive operation, and he believed that the Bill of the Government would provide an ample remedy; whereas, if the other Bill only were adopted this evil would be left untouched. Under these circumstances he thought the Bill ought certainly to be allowed to go into Committee.

Mr. ROLT said, he did not think it had been shown that this Bill would accomplish the desired object. It depended on conventions for its success. What probability was there that any conventions would ever be made? Foreign countries did not act upon our view of the law of domicile, and, therefore, it was not very likely that they would enter into conventions upon the subject. He admitted that it was necessary to do something, but this Bill would only prevent effectual legislation. There was no difficuty in doing what it proposed to do without conventions. The Solicitor General spoke of reciprocity, but had not pointed out how that was to be obtained. Supposing a convention was made with France, that would not in any way meet the case of a British subject dying in Spain. Therefore it would be necessary to make this measure effectual, that we should have conventions with every other country. He objected to this Bill because some legislation without the necessity of conventions would be easy, while the effect of passing this measure would be to hinder such legislation. He regarded the Bill as useless, uncertain, and ill-drawn, and, therefore, he thought it ought not to be passed.

Mr. MALINS adopted the same view as his hon. and learned Friend; but while he desired that this Bill should not pass, he desired that the other should; though he admitted that there was no necessary antagonism between the two. That there was a necessity for some legislation upon the subject of the law of domicile there could be no doubt, and in proof he might refer to the case of the Southampton Charity, in which £30,000 or £40,000 had been spent in ascertaining the domicile of Mr. Hartley, the testator, at the time of his death. He thought that if a will was drawn in conformity with the law of the country where it was executed it ought to be regarded as a good will. The Bill which had come down from the House of Lords was based upon that principle, and, if passed, could come into immediate operation, while this Bill required conventions to make it operative. He (Mr. Malins) would not oppose the passing of this Bill, if the Government would undertake not to oppose the passing of the Bill which was to follow. In proposing this, himself and his hon. and learned Friend must have credit for disinterestedness, as nothing led to more litigation and expense than questions as to wills. The short Bill sent down from the Upper House swept away a mass of legislation on the subject, and simply stated what the law would be hereafter, at least in reference to personal property. He would be willing to postpone the consideration of the subject till the next Session, if he could be assured that no cases of difficulty, expense, and hardship would occur in the interval. But there could be no guarantee against the operation of the ordinary law of mortality; and since the Bill of the House of Lords would effect an immediate and useful amendment, and the Bill of the Attorney General did nothing antagonistic to it, he trusted his hon. and learned Friend (Sir George Bowyer) would withdraw his Motion, and allow both Bills to pass as a kind of compromise.

The ATTORNEY GENERAL said, that, no doubt, the operation of the Bill was contingent on foreign Governments doing that which the Bill proposed in order to arrive at a settled decision as to what was a legal domicile. As to the reciprocity, what he contended was that in the absence of a convention they would still find variance in the decisions of the Courts of different countries; whereas, if a covention were made, there would be a settled principle as to domicile. The hon. and learned Baronet, the Member for Dundalk, questioned the accuracy of the proposition that by the law of nations, not only the distribution of movables, but the solemnities of the execution of the testament depended upon the law of domicile; that opinion, however, was supported by Lord Wensleydale and the other law Lords in the case so often referred to; who said that not only the distribution of the movables must be dependent on the law of domicile, but that the will itself must be in the form prescribed by the law of the country in which the will was made.

Sir HUGH CAIRNS did not know whether the hon. and learned Member for Dundalk (Sir George Bowyer) meant to take the opinion of the House on the subject, nor was it actually of much importance whether he divided or not, for there was no chance of the measure becoming law this year. Still, on such a question they ought to be fully persuaded of the grounds on which they supported or opposed the Bill. He would state as briefly as possible his strong objections to it. First, the Bill assumed that the proper way to regulate the succession of property by will was to alter the law as to the domicile. On the contrary, he thought the proper mode was to bring the law of this country as to wills into agreement with the law of other countries, and to make a testamentary disposition good, provided it was in accordance with the law of the country where it was made, and disregarding the question of domicile altogether. His next objection was that the Bill provided a system that would be utterly ineffectual if no conventions were made, and which, if they were made, would establish a system more complex than anything at present existing. He did not know how many foreign States there might be in Asia, Africa, and North and South America; but in Europe alone some fifteen or twenty conventions would be required with first, second, and third rate Powers. A man would have to travel with a book like *Hertslet's Treaties*, in order to know whether he was in a State with which a convention had been made with Great Britain on the subject of wills. But, practically, a man would think nothing about it. Testators, again, would omit to go through the formal process of lodging the declaration with the officer named in the Bill. The Attorney General had spoken of the convenience of defining domicile. He would agree that whoever should produce a correct definition of domicile would be a benefactor of mankind. But the present Bill did not define domicile in any way. It only said that there should be no change of domicile until there had been a residence in another country for one year. There would be no statutable enactment to define domicile, and after a convention had been entered into and the process defined in the Bill had been gone through it would still be necessary to show the *animus* of the testator by the evidence of letters and conversation, as at present. Suppose, too, some testator died abroad in Spain, leaving personal property in France or America as well as England, the Act would only apply to the countries with which we had conventions. Did the Attorney General suppose that other countries would not adhere to their law on this subject? The measure was, in fact, a complicated piece of machinery. It affirmed an erroneous principle, and he must enter his protest against its further progress.

VISCOUNT PALMERSTON said, that the hon. and learned Gentleman (Mr. Malins) had suggested that the opposition to this Bill should be withdrawn on condition that the Government should make no objection to the second Bill also passing through Committee. He had no hesitation in accepting that proposal, so far as the present stage was concerned. The House might pass both Bills through Committee to-night, and when they came out of Committee they would be better able to judge of the desirableness of proceeding with the second measure.

SIR FITZROY KELLY thought that that course would be the most advantageous one to adopt.

SIR GEORGE BOWYER said, that under those circumstances he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill *considered* in Committee.

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

WILLS OF PERSONALTY BY BRITISH SUBJECTS BILL.—COMMITTEE.

Order for Committee read.

SIR FITZROY KELLY moved that the House go into Committee on this Bill. He would not trouble the House by entering into an exposition of the objects intended by the Bill further than to say that this Bill was not intended to invalidate wills already made; but its result would be to give effect to solemn acts done by British subjects in foreign countries, wherever the will was a genuine one, so that the intention of the testator might be carried into effect.

House in Committee.

Clause 1, (Wills made out of the Kingdom),

THE ATTORNEY GENERAL moved to leave out the words at the end of Clause 1, to the effect that in the case of an Englishman losing his English domicile it shall be presumed that his will was not made in England.

SIR FITZROY KELLY declined to accept the suggestion. The Amendment would strike at the principle of the Bill.

SIR HUGH CAIRNS moved that the

latter portion of the clause should be amended by providing that the will should be valid if it were framed in conformity with the law of that portion of Her Majesty's dominions in which the testator had his "domicile of origin."

MR. BOVILL thought the clause as it stood was best.

SIR GEORGE BOWYER also thought that it would be better not to make any change in the clause. If the Amendment of his hon. and learned Friend the Member for Belfast were adopted a will made abroad according to the Scottish law by an Englishman having property in Scotland would be invalid as regarded that property.

Amendment *agreed to*.

Clause *agreed to;* as were the remaining Clauses.

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

PROSECUTIONS EXPENSES BILL.

SECOND READING. ADJOURNED DEBATE.

Order for Second Reading [24th July], read.

SIR GEORGE LEWIS said, he had brought in this Bill to satisfy some of the northern counties. As, however, it did not appear to have given satisfaction, he should best discharge his duty by withdrawing it.

Order *discharged;* Bill *withdrawn.*

CORRUPT PRACTICES PREVENTION ACT (1854) CONTINUANCE BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

MR. BRADY expressed his opinion that, instead of preventing, it rather tended to produce corruption at elections. He moved the omission of the first clause altogether.

THE CHAIRMAN stated that the only clause in the Bill was that which continued the former Acts.

MR. BRADY then moved that the Chairman report Progress.

MR. COLLINS opposed the Motion.

MR. BRADY said, that he would not persist in his Motion; but must enter a protest against the principle of the measure.

In reply to Mr. DARBY GRIFFITH,

SIR GEORGE LEWIS said, he had little doubt the Bill would have to be introduced again next Session.

Amendment, by leave, *withdrawn.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

LANDED ESTATES (IRELAND) ACT (1858) AMENDMENT BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

MR. PEEL proposed to insert the following clause:—

"Whereas Lieutenant-Colonel John Henry Keogh has sustained a loss of £1,879 6*s.* 7*d.* by the neglect of an officer of the Encumbered Estates Court; and whereas it is expedient that he should be indemnified for the said loss; be it, therefore, enacted that the Judges of the Landed Estates Court may, with the sanction of the Commissioners of Her Majesty's Treasury, direct the payment to the said Lieutenant-Colonel John Henry Keogh, from time to time, out of the duties levied or to be levied under the provisions of the said recited Act, of an amount not exceeding the said sum of £1,879 6*s.* 7*d.*; and no general order reducing the said duties shall be issued until there shall have been received after the passing of this Act from the proceeds of the difference between the existing duties and the reduced duties to be levied under this Act a sum amounting to £1,879 6*s.* 7*d.*"

Clause *brought up*, and read 1°.

SIR HUGH CAIRNS opposed the clause. The object of the fees paid in the Landed Estates Court was merely to make that Court self-supporting, but now it was proposed that the suitors should pay more fees, in order to make good the loss sustained by the neglect of one of the officers. The effect of such a principle was to make all the suitors mutual insurers against the mistakes of the officers of the Court. This would establish a most vicious principle in regard to all Courts, and would render the establishment of such a Court in this country impossible.

MR. PEEL said, that the case was a peculiar one, and it had been proved to the satisfaction of the Committee that Colonel Keogh had been compelled to pay the sum it was proposed to give him twice over. He thought that both in this country and in Ireland the course now proposed had been adopted under analogous circumstances, and the Committee had recommended that Colonel Keogh should be indemnified in this manner.

SIR HUGH CAIRNS said, that the Secretary of the Treasury had certainly made the case more clear, and more objectionable than it seemed before. There had been no instance in which Parliament had given its sanction that the fees of suitors should make good an error in judgment of one of the officials. The principle upon which suitors were compelled to pay fees was to make the Court self-supporting, but, unfortunately, the principle was not strictly adhered to. He did not doubt that Colonel Keogh ought to be reimbursed; but he did altogether deny that he ought to be reimbursed out of the pockets of those who might hereafter become suitors in the Encumbered Estates Court. It was, in fact, levying a tax on future suitors to pay for a loss incurred in reference to bygone suitors. There was an admission that the fees would bear reduction, but this reduction must be postponed to pay for the errors of an official. The Committee were not empowered to say whether this money should come out of the Consolidated Fund or not; all they were called upon to decide was, whether Colonel Keogh ought to be remunerated or not. The question of the fund out of which he was to be paid was one for the consideration of the House. He should ask the Committee to expunge the clause altogether.

Mr. BRADY asked what would be done after this claim was liquidated. Other cases might arise like this of Colonel Keogh. Would those payments in future come out of the Consolidated Fund?

Mr. PEEL said, he could not state the course that would be pursued in future cases. The necessity in this case arose out of the legislation of the House. It must be remembered that the principle had never yet been carried out of making this Court self-supporting.

Mr. VANCE supported the Motion of the hon. and learned Member for Belfast. The result of the clause would be for some years to come to keep suitors out of the Court.

Motion made, and Question put, "That the Clause be now read a second time."

The Committee *divided:*—Ayes 33; Noes 25: Majority 8.

Mr. HENNESSY wished to ask the Chairman a question. The title of the Bill was to alter the duties in the Court; but the 3rd Clause said that the Commissioners might raise the duties as well as alter them. Under such circumstances, he desired to know, whether it ought not to have been introduced by a Resolution in a Committee of the Whole House?

The CHAIRMAN said, as the Bill did not intend to make any charge upon the Consolidated Fund, it was not necessary to proceed by Resolution in a Committee of the Whole House. The duties proposed to be raised were to come out of the suitors' fund. He thought, however, that the title of the Bill would require amendment by the addition of some such words as these, "and for other purposes."

Clause added to the Bill.

Preamble, as amended, *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

PAROCHIAL OFFICES BILL.

SECOND READING.

Order for Second Reading read.

Mr. C. P. VILLIERS, in moving the second reading of this Bill, said it was recently decided by the Court of Queen's Bench that overseers were not entitled to apply any portion of the poor rates to the building or hiring of any place in which to transact their business. Great inconvenience had resulted from that decision, especially in populous parishes, and the object of this Bill was to enable overseers, with the consent of the vestry, and also of the Poor Law Board, to apply a portion of the poor rates to the purpose he had stated.

Mr. HENLEY said, the measure might be needed in towns of 5,000 inhabitants, but thought it would lead to extravagance if the principle were extended to towns with only 2,000.

Mr. C. P. VILLERS had adopted the limit of 2,000 in consequence of the wording of a former Act defining a "populous place," but had no objection to adopt the suggestion of the right hon. Gentleman.

Bill read 2°, and *committed* for *To-morrow.*

OFFICERS OF RESERVE (ROYAL NAVY) BILL.—SECOND READING.

Order for Second Reading read.

Lord CLARENCE PAGET, in moving the second reading of this Bill, said he had been asked to give some explanation of its provisions and the necessity existing for such a measure. In any debate which might follow his remarks he was sure his brother officers of the Navy would join with him in avoiding any observations which could be construed offensively towards the merchant service, as remarks, made unintentionally he was quite sure, in "another place," had given great annoyance to this excellent and gallant body of men, whose co-operation they sought to obtain in the defence of the country. The officers of the mercantile navy proposed to enrol themselves as officers of Naval Volunteer corps, formed on a principle somewhat similar to those which had been so successfully carried out on land; and the Admiralty had accepted their patriotic proposal with a warm desire, which he had no doubt was shared by the public, to avail themselves of the services of the gentlemen composing the officers of the merchant service. For this purpose Her Majesty's Government had prepared a Bill which he had now the honour to propose, enabling those gentlemen to enrol themselves, so that in the unfortunate event of unforeseen war they would assist the officers of the Navy, either in large ships of war under the command of captains or commanders, or in charge themselves of smaller vessels. It was right he should state that there was not a single word in the measure, or in the regulatons which would accompany it, which could be taken by the officers of the Royal Navy as in the slightest degree infringing on their dignity or interfering in the slightest degree with the flow of promotion. The Bill simply empowered Her Majesty to receive the services of these officers, and provided for the footing on which they should be placed while at drill or on actual service. Some time ago the Admiralty issued a form of regulations under which officers would be eligible for the Naval Reserve. A great meeting of officers in the merchant service followed; and, having been invited to express their opinions, they raised certain objections which he believed had been entirely obviated in the amended regulations which he should be happy to lay on the table if any hon. Member would move for them. At their request the rule requiring that no masters should be admitted as lieutenants of the Naval Reserve who did not hold extra certificates under the Mercantile Marine Act of 1850, or the Merchant Shipping Act of 1854, had been modified, and a much less stringent qualification was now required, though sufficiently strict at the same time to ensure that the officers in question would be men of sufficient education and experience to undertake the duties imposed upon them. The only other point to which the masters of the mercantile marine objected was that of rank, holding that it would be unjust for an officer who might command, for instance, one of the Peninsular and Oriental Steam Company's fleet—a vessel of equal value and requiring as skilful handling as a ship of war—to be placed under the command of a very young lieutenant of the navy. Such a contingency was one that could very rarely occur, as the number of officers in the merchant service commanding vessels of that class must be limited, and in case of war they would probably receive command of some small vessel—of the class, he meant, which would ordinarily be commanded by a lieutenant in the navy. But it must be apparent to all that masters in the mercantile marine could not expect to take rank above commissioned officers in the Navy; in such a case the latter would have fair ground of complaint. The rule with regard to corresponding rank was followed in the Volunteers and the Militia, and it was impossible to suppose it could be departed from in the Naval Reserve. Practically he did not believe such a contingency as that referred to was likely often to arise; but in case it should ever do so in actual warfare officers of the mercantile marine would be swayed by motives of patriotism, and would not, he was confident, stickle on this point of dignity—there could be no clashing whatever between the two services. The lieutenants of the Reserve would rank with, but after, the lieutenants of the Royal Navy, and merchant officers might, in his opinion, be well content with the honourable post of holding commensurate rank with lieutenants of the Royal Navy. The question of rank, as he had stated, was the only point of difficulty. It had been said "in another place" that there was no necessity for this measure, and that if a war broke out we could easily find officers. He (Lord C. Paget) said it was a measure of absolute necessity. We had at this moment something like 850 lieutenants, yet there was scarcely at this time of peace one unemployed who was able to go to sea. What would occur if a war broke out to-morrow, and that in the event of casualties we had no means of reinforcing the fleet with young lieutenants? In these days gunnery was absolutely necessary. A lieutenant who knew nothing of gunnery was absolutely useless. What was proposed was to give the merchant officers of the Royal Naval Reserve an education in gunnery. They would have to take a course of gun-drill on board the training ships. They would read the various books on gunnery, and make themselves thoroughly acquainted with gun-drill. What he hoped was the Admiralty would then place on board the large merchant ships officered by these men a gun or two, and ultimately every man in the merchant service would become a gunner. He might be sanguine, but he looked to that day when they might have on board these large merchant ships a system of gun-drill under their own officers, and that thus when war broke out the officers of the merchant navy would bring with them large bodies of their men already drilled and made efficient. He was not prepared to say that they could have educated more sailors of the Royal Naval Reserve than they had done. The training ships had been fully employed with the 5,000 and odd men who had come forward, and if they had come forward more largely he did not know that they could have accomplished more than had been done; but it would be most important to educate the officers of the merchant service in order that they might in turn become the instructors of their own men on board their own ships. Then, if they got this great Navy Reserve they would be able, in some degree, to reduce the vast expenditure of the navy. If, at this moment, there had been a reserve of 30,000 officers and seamen, they might safely reduce the great amount of the Vote No. 1, in the estimates for men. He, sincerely hoped officers of the navy would favour this scheme; and, on the other hand, that officers of the merchant service would come forward like their fellow-subjects and devote themselves, as it might become necessary, to the service of their country. He could not sit down without alluding to an establishment now formed for the education of officers in the merchant service, and which he thought would be of very great importance in the future as regards the naval resources of the country. He had gone down to Liverpool some weeks ago to inspect a school established by the Mercantile Marine Association for young officers for the merchant service. He found there 100 young gentleman admirably educated, of the highest respectability, preparing as officers of the merchant service on board the *Conway*. He was bound to say they were entirely equal, in every respect, to the cadets at the Naval School on board the *Britannia* at Portsmouth. They were being instructed not only in the higher branches of astronomy and navigation, but in gun-drill, and he saw with pleasure a vast body of young officers who would by-and-by be perfectly fit to take part in vessels of war, and whose services would be invaluable to the navy. He looked forward to the time when these schools would be established at all the principal ports; so that the young men from the merchant service would be perfect gunners; thus, in the event of war, largely increasing the means of manning our fleets and assisting us most usefully in officering the navy. He trusted the old standing antagonism between the merchant service and the Royal Navy would now be broken down, and that the distinguished officers of the merchant service would, as on former occasions, even when they were pressed men, acquire great glory in the naval service of the country. It was also to be remembered that after service those officers were qualified to become officers in the Royal Navy itself. He trusted if ever the time came when these men were called on many of them would become distinguished officers of the Royal Navy. He begged to move that the Bill be now read a second time.

ADMIRAL WALCOTT: Sir, I must disclaim all feeling of illiberality in the few remarks I may offer in relation to the Bill now submitted to the House to enable Her Majesty to accept the services of officers of the merchant service as officers of Reserve in the Royal Navy—quite the contrary—I desire to profess what I truly feel, a high respect for their character and profession, but I am at a loss to understand how this Bill can work with advantage to the object designed, directed as it is to the admission of 130 masters and 270 mates, under the qualifications stipulated for their admission. Let me ask how can you place confidence in having the command of the services of these officers at the moment you necessarily will require them on the immediate outbreak of a war, when probably the greater number will be absent from England on foreign voyages or otherwise not forthcoming? I am, therefore, constrained to observe, looking to a certain provision and wise caution, it were far more prudent than to rely on a source so hazardously uncertain for officering your fleet, to establish year by year a regular supply of cadets equal to the demand contemplated and which must occur, to offer certain employment and the opportunity for distinguished service to the officers of the Royal Navy, who, at all times, have been found ready to devote the best portion of a man's life to the profession, and to surrender the most attractive opportunities of acquiring wealth to the realization of an honourable renown in the service of the country. The noble Lord observed that these officers of Reserve might be employed in small vessels of war in sole command, but it is right he should bear in recollection that it is this very description of vessels, and in gun and mortar boats, that the lieutenants of the Navy rely upon selection for command, in war time, affording the most certain means by which they may secure promotion and acquire honour—permit me, likewise, to observe that the Naval officer entered the service in his earliest youth. He had to submit to a severe course of study and a most rigid examination to qualify him for high rank, having to obtain a practical knowledge of seamanship, navigation, gunnery, and steam. He was subject to be sent to all climates, and was liable to all contingencies of service, being oftentimes separated for a considerable number of years from his family, and having to perform continuous service in unhealthy climates, whilst his sole encouragement lay in chance-promotion to high rank and the acquisition of a distinguished name. The officers of the Mercantile Navy were placed in far more independent circumstances, and had far greater opportunities of securing a competence both present and future. They were not subject to the same risks, the same dangers, or the same deprivations, nor had they to serve so frequently or so continuously in unhealthy climates. If these officers of Reserve were to be placed in the service, the masters to take rank immediately after lieutenants, and the mates to sub-lieutenants, in what position, may I ask, were the masters in the Royal Navy to stand whose rank invariably had been with lieutenants, but subordinate in command to them? a most meritorious class of officers who ought not to be deprived of the rank they now hold next to lieutenants. In the event of a war our commerce would be immensely restricted, when we should experience no lack of officers of the merchant service or of merchant seamen, in number as they were nigh of 200,000, and I am confident, in such a crisis, if England be threatened from them, our seafaring population will spring up a host of Volunteers to the Navy to uphold its ancient reputation, and the honour and glory of the country. I shall not oppose this Bill, but I do most earnestly entreat that in carrying out its provisions the just claims and feelings of the officers of the Royal Navy will be scrupulously regarded.

MR. AUGUSTUS SMITH said, he did not think there was any great urgency for passing a measure which had been so little considered, and, therefore, he had hoped that the Bill would not have been persevered with this Session. Considering the large number of officers now upon our Navy List, there was, in his opinion, no occasion for such a measure. Upon the Active List for July there were 101 admirals, 343 captains, 445 commanders, 844 lieutenants—the First Lord of the Admiralty said the other night that there were 855—and 126 sub-lieutenants, making a total of 1,859; independent of masters, engineers, mates, and midshipmen. From the masters we might, on an emergency, obtain lieutenants, who would be far more efficient for the purposes for which they would be required than would the officers of the mercantile marine. On the Reserved List there were 97 admirals, 96 captains, 124 commanders, and 408 lieutenants, making a total of 725 officers; or, together with those on the Active List, a grand total of 2,584—a number, he believed, larger than that possessed by all the other nations of the world put together. America had no admirals, 100 captains, 130 commanders, and 362 lieutenants—total, 592. France had 54 admirals, 103 captains of line-of-battle ships, 230 commanders, and 700 lieutenants, making, with a considerable number of *aspirants* and *élèves*, who answered to our mates and midshipmen, a total staff of 2,207. Of our lieutenants, whose number he stated at 855, the First Lord of the Admiralty said the other night that only 150 were unemployed. He had looked at the List, and, as far as he could see, there must be at least 200 in that position; besides which many of them were employed in situations which in time of war might be filled by older men from the Reserved List. Of these 855 officers, 600 were under the age of twenty-six years. At what age did they expect to get those officers of the mercantile marine who were obliged to have been for so many years on board ship in different parts of the world, and to have been for three years master of a vessel of 500 tons? He was afraid they would find it difficult to get such officers to serve in the position proposed for them, or to get them to come for one month to drill. And, in reference to the drill, he must observe that he thought it a very bad plan to have the officers living on shore while attending it. It would be much better to have them aboard ship in the company of officers of the Navy, with whom they were intended to serve in case of war. His hon. and gallant Friend who had just spoken had asked whether they would be sure of the services of those officers of the mercantile marine when their services were required? The master of a merchant vessel might just have concluded an agreement to go on a distant voyage. Would the owner think it just or honourable of him to break that engagement? They were told that he would not only come himself, but bring his crew with him. What would the owner say to that? It was said that this plan had the approval of the mercantile marine. The sentiments expressed at the recent meeting on the subject did not appear to support that assertion. The plan now promulgated was very different from that which had been originally suggested, and on the whole he had never heard a scheme proposed that gave less hope of being satisfactory to any part of the service. The creation of officers of the Naval Reserve would entail a heavy charge on the public funds, for which no equivalent would ever be obtained. The scheme was, no doubt, devised with the best intentions, but he believed it would prove an utter failure, unsatisfactory both to the Royal Navy and to the mercantile marine. He believed that the most effectual mode of fostering the navy was to provide training-ships for the young, and to free the merchant service from the trammels which had so long been imposed on it.

Admiral DUNCOMBE said, he had too high an opinion of officers of the mercantile marine, and knew too well their good seamanlike qualities and great integrity of character, to utter a word in disparagement of them. He must say, however, that he did not approve this Bill. He believed it would do great injustice to officers of the Royal Navy. The officers of the merchant service had strong objections to the scheme as first proposed; and his noble Friend, in conjunction with the hon. Member for Sunderland (Mr. Lindsay), had endeavoured to make things pleasant by agreeing to all they asked. It was said that there would be no difficulty in regard to the officers of the Reserve being employed under young lieutenants of the Royal Navy, because it would be easy to give them separate commands. But if that were done it would be a great injustice to those young lieutenants to whom an independent command was an object of natural ambition. These officers entered the service at an early age, underwent a great deal of severe training and irksome discipline, and received comparatively little remuneration. They ought not, therefore, to be deprived of any of their privileges. Some officers in the mercantile marine—those in the Peninsular and Oriental Company's service, for instance—received as much as £1,000 a year, which was a great deal more than officers in a similar position in the Royal Navy; and, therefore, it was a great injustice that they should be supplanted in the commands to which they looked forward. He thought it very unfortunate that his noble Friend should have introduced this Bill at so late a period of the Session. Naval questions never got due consideration, for they were always brought forward at the fag-end of the Session. A great many mistakes and much extravagance were the result. He suggested that the Bill should not be pressed forward this Session, and that his noble Friend and his colleagues should endeavour during the recess to devise some effectual plan for manning the navy, instead of bringing in officers who were not wanted at present.

Mr. THOMSON HANKEY reminded the House that this was a purely voluntary measure, the tendency of which would be to economize the expenditure of the navy. He thought it was the duty of all those who were connected with the mercantile navy to give the Government every assistance in promoting such a scheme. It should be remembered that the force would come into use in time of war, when a number of merchant vessels would necessarily be unemployed, and he had no doubt that numbers of merchant officers would join the Reserve, animated by the same patriotic spirit which had produced the land Volunteer force.

Mr. CAVE said, they did not yet know whether the scheme met with general acceptance in the merchant service. It appeared that there was a glut of commanders, and a paucity of lieutenants in the navy, and that the object was to recruit the lower rank from merchant captains. He did not think any great inducement was offered either to their ambition or cupidity. The gallant Admiral (Admiral Duncombe) had shown the superiority of the merchant service in the point of pay. The noble Lord, indeed, had compared the officers of the merchant service entering under this Bill to the Volunteers, but it must be remembered that in the Volunteer service all ranks were open. This was more like linesmen exchanging into a lower rank in the Guards, and then being debarred from future promotion. The noble Lord talked of this scheme increasing the good feeling between the navy and merchant service. If that were his object, he (Mr. Cave) thought it would be well to follow the example of Sweden, where encouragement was given to officers of the Royal Navy serving on board vessels engaged in the packet service. He should not oppose the Bill; but if there were any doubts as to the complete success of the measure he thought it would be well to postpone it for more mature consideration.

Mr. HENLEY did not think the discussion had been favourable to the scheme. The fear was that out of the large number of officers in the merchant service who were qualified under this Bill the best would not be obtained. There was also a doubt whether at the end of four or five years they would find themselves in possession of that young blood which it was hoped to acquire.

Bill read 2°, and *committed* for *To-morrow*.

GOVERNMENT OF THE NAVY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 (Public Worship),

Admiral DUNCOMBE said, that this was another piece of Admiralty tinkering in the present year. This Bill had for its object to amend an Act which became law on the 17th of August last, and did not come into operation until the 1st of April, and they were now, after four months experience, asked to amend that Act. Besides, this Bill came down from the Lords, but the noble Lord, so far from accepting it as is it came down, had a whole paper of Amendments to propose.

Lord CLARENCE PAGET begged the Committee to remember that the Navy had been governed by an old Act of Parliament, with scarcely any or but very small Amendments for the last two hundred years. He would ask, then, whether it ought to be a matter of surprise when they were called upon to frame a new Act for the entire government of a service like the Navy, not having a previous Act like the Mutiny Act, which, however, received Amendments almost every year to make it suitable to to the age—he would ask whether in the Navy there might not arise some matters which they would wish to see amended from time to time? As regarded the working of the Act there had been no great difficulties, but as they were no great lawyears in the Navy it was thought better, instead of two Acts to have but one, and to call it by the name of the Act for the Government of the Navy. The Amendments which he had to propose were, with two exceptions, purely verbal.

Clause *agreed to;* as were also Clauses 2 to 44.

Clause 45 (Punishments),

Mr. HENLEY wished to know if there was any power of commuting the punishment of death in foreign states?

Lord CLARENCE PAGET said, this was provided for by Clause 60.

Mr. HENLEY said, that Clause 60 said, "where the sentence has been commuted," but there was no power to commute given to the Commander-in-Chief.

Lord CLARENCE PAGET said, he would introduce a clause on bringing up the Report, to meet the case suggested.

Clause *agreed to,* as were Clauses 46 to 55.

Clause 56 (Summoning Witnesses),

Mr. HENLEY said, this clause provided that a witness who had appeared before a court-martial and had prevaricated might be brought before a Court of Law. He could not see how such a clause could be acted on. How could any Court judge of a witness who had prevaricated before another Court?

Clause *agreed to.*

Remaining Clauses *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

House adjourned at Half-after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, July 30, 1861.

Minutes.]—*Took the Oath.*—The Right honourable John Russell, commonly called Lord John Russell, having been created Earl Russell of Kingston Russell—Was (in the usual Manner) introduced.

Public Bills.—1ª Newspapers, &c.

2ª Accessories and Abettors; Criminal Statutes Repeal; Larceny, &c.; Malicious Injuries to Property; Forgery; Coinage Offences; Offences against the Person; Public Works and Harbours; Lord Clerk Register Salary Abolition; Durham University; Trustees (Scotland); Conjugal Rights (Scotland); Metropolitan Building Act Amendment; Drainage of Land; Public Offices Site; Pensions, British Forces (India); Windsor Suspended Canonries; Public Works (Ireland); Edinburgh University; Inland Revenue; Stamp Duties on Probates, &c.; Revenue Departments Accounts.

3ª Salmon Fisheries; Criminal Proceedings Oath Relief; Naval Medical Supplemental Fund Society; Turnpike Acts Continuance; Ordnance Survey Continuance; Dealers in Old Metals; Parochial and Burgh Schools (Scotland); County Voters (Scotland); Probates and Letters of Administration Act (Ireland) Amendment.

EAST INDIA IRRIGATION AND CANAL COMPANY.

PETITION. QUESTION.

THE EARL OF SHAFTESBURY *presented* a petition from the Cotton Supply Association, praying for the Parliamentary Encouragement of the East India Irrigation and Canal Company; and asked, Whether the Governor General of India had been informed that the settlement and execution of a contract between the Government and the East India Irrigation and Canal Company had been left entirely and without reserve in his hands, and that the Secretary of State was prepared to sanction any arrangement the Governor General might consider fair and equitable?

EARL DE GREY AND RIPON: Sir Charles Wood is ready to sanction any arrangements which the Government of India, after mature deliberation, may consider fair and equitable.

ACCESSORIES AND ABETTORS BILL. THE CRIMINAL LAW BILLS.

SECOND READING.

THE LORD CHANCELLOR, in moving that the Accessories and Abettors Bill be read a second time said, he should now proceed, according to his promise, to explain to their Lordships the alterations which had been made by the Commons in this and the other Bills for the Consolidation of the Criminal Law; for although these Bills had been brought up to their Lordships from the other House, they might be said to have in fact originated in their Lordships' House; because, as their Lordships were aware, after much time had been spent in deliberation as to the best mode of consolidating the criminal law, certain well-considered Bills were brought to their Lordships' House in the course of last Session, where they received a large share of attention and careful deliberation, and were sent down to the other House; but from the late period of the Session at which they arrived there it was found impossible to proceed with them last year. They, therefore, stood over to the present Session, when they were, in the exact form in which they left their Lordships' House, re-introduced to the House of Commons. They were there referred to a Select Committee, where they were carefully and deliberately considered, and certain alterations were made in them: so that, in point of fact, these Bills might be considered to have come back to the House in which they originated with the Amendments of the House of Commons. The most important of these Bills was that which related to Offences against the Person, and with regard to that Bill he thought the most material alterations were those which related to the punishments to be inflicted. Great mitigations had been made in the punishments attached to various offences as they stood in the Bill when it left their Lordships' House. The first section of the Bill as it left their Lordships had been struck out in the Commons, but its substance was re-introduced into the 9th Section, so that, in point of fact, no alteration was thereby made in the Bill. The first material alteration made in the Bill was in the punishment of the offence for conspiracy to murder. In Ireland conspiracy to murder had long been punishable by law as a capital offence. By the Bill as it left this House it was also declared to be felony; but in the House of Commons, by the 4th Section of the Bill now on their Lordships' table, the offence of conspiring or soliciting to commit murder, whether within or without the Queen's dominions, was made a misdemeanour, punishable with penal servitude for a period not exceeding ten nor less than three years; or by imprisonment for a term of one year, with or without hard-labour. There were also considerable alterations in the punishments awarded to attempts to commit murder by administering poison or causing grievous bodily harm, which were made punishable by penal servitude for life or imprisonment for a period of not less than two years, with or without solitary confinement. Here there was, no doubt, a great latitude allowed to the discretion of the Judges. There were other alterations in the punishments of minor consequence, but which he might state were generally on the side of mitigation. Passing from offences against the person to offences against property, he came to the Larceny Bill, the most important alterations in which related to the punishment to be inflicted after repeated conviction, the power to award the restitution of stolen property even where the jury did not convict, which was struck out by the House of Commons, and also the power for persons other than the police to apprehend persons suspected of being in possession of stolen property, which also the Commons had struck out; while a provision had been inserted that where a person was indicted for a subsequent offence he should not be arraigned on the former conviction till he had been found guilty of the subsequent offence. In the very important Bill dealing with malicious injuries to property and their punishment, that had been altered in some respects in the way of mitigation; and penal servitude for life had been reduced to penal servitude for eight years. In other respects the alterations made in the Bill were not important, and rather affected the words than the meaning. Very slight changes had been made in the Bill relating to forgery, and no material alterations in the Accessories and Abettors Bill. In the general Bill for the repeal of the antecedent law, where it was at variance with the present enactment, no alteration whatever had been made beyond bringing the repeal down to the present time. It might, therefore, be said that, with the exception of the two changes to which he had specially called attention, none of the Amendments introduced by the Commons were of an important character. He trusted their Lordships would, therefore, not object to read the Bills a second time. The noble and learned Lord then formally moved that the Bill be now read a second time.

LORD CRANWORTH expressed his gratification that these Bills were likely now to become the law of the land. Those who sat upon the Select Committee to which these Bills were referred would know that very great care and attention had been bestowed upon them, and he agreed with the noble and learned Lord on the Woolsack that they had not undergone material alteration in the House of Commons. Since the 99-100th of the provisions they contained had been agreed to by the other House, he hoped their Lordships would deem it in accordance with practical wisdom not to raise any objection to the few Amendments that had been made. With regard to the increase of punishment for certain offences and the diminution in other cases, he trusted their Lordships would not raise much discussion. Whether conspiracy to murder should be called a felony or a misdemeanour appeared to be of little importance if there was power to award a punishment of ten years' penal servitude for the offence.

THE DUKE OF BUCCLEUCH inquired how far these Bills would extend to Scotland?

THE LORD CHANCELLOR said, that none of the provisions of the Bills applied to Scotland. The proviso that nothing in these Acts contained should apply to Scotland except when expressly provided was inserted in order to prevent doubt.

LORD CHELMSFORD thought there was good reason to complain of these Bills being brought forward at so late a period of the Session. The first of these Bills came up to the Lords on the 18th of June, the last of them—that relating to offences against the person—on the 15th of July; yet here they were, on the 30th of July, on the second reading. Considering the punishment provided for the offence of conspiracy to murder he thought it of little consequence whether it was designated a felony or a misdemeanour, though he should prefer characterizing it as a felony. The power to apprehend persons who were suspected to be in possession of stolen property had been expunged by the Commons, and this was a serious alteration. Most of the alterations were so trifling that they might be accepted as matters of course; but there were others of a somewhat important character, to which it was impossible at that period of the Session to give due consideration. As it was the House had no alternative but to pass the Bills as they had come up to them.

LORD WENSLEYDALE said, the consolidation of the law was undertaken six years ago, and the understanding was that no alteration should be made in that law, the consolidation consisting of the classification of existing offences.

LORD REDESDALE thought there was a great deal of inconvenience in taking it for granted that Bills were all right which next year they might be called upon to amend. There were some of these Bills in which there was no material alteration from the form in which they were agreed to by their Lordships last year, but there were others which did not come within that category, and he thought it better that they should be deferred to a future Session. He objected to the provision contained in the Bill which deprived the police of power to arrest persons who were in possession of goods supposed to be stolen.

THE LORD CHANCELLOR explained that the power of the police in this respect stood exactly as it did before this Bill was introduced. All that had been done in the House of Commons was to strike out a provision introduced by their Lordships conferring a similar power upon persons not police officers. He regretted that these Bills had not come up to this House earlier in the Session, but the delay had been entirely unavoidable.

LORD WENSLEYDALE said, that the alterations in the punishments carried the Bills beyond the recommendations of the Committee, who proposed that the actual law should be consolidated.

EARL GRANVILLE expressed his satisfaction at hearing the noble and learned Lord opposite say that he should have been willing to make conspiracy for murder a felony.

Motion *agreed to.*

Accessories and Abettors Bill; Criminal Statutes Repeal Bill; Larceny, &c. Bill; Malicious Injuries to Property Bill; Forgery Bill; Coinage Offences Bill; Offences against the Person Bill; were severally read 2^{a}, and *committed* to a Committee of the Whole House on *Thursday* next.

CONJUGAL RIGHTS (SCOTLAND) BILL.

SECOND READING.

THE LORD CHANCELLOR moved the second reading of this Bill, the object of which, he said, was to introduce into the law of Scotland three distinct things. The first was to give to Scotland the advantages of certain provisions of the Matrimonial Act of 1857, which enabled a magistrate to grant an order protecting the earnings and property of a deserted wife against a profligate husband. The second was to extend to Scotland the improved process of obtaining a judicial separation, or what was usually called in law sentences of divorce *à mensâ et thoro.* A third provision of the Bill was to provide a remedy similar to that which was called in England a divorce *à vinculo matrimonii.* There was a power reserved to the Lord Advocate of intervening in cases of collusion or imperfect evidence similar to that which had been given to the Attorney General in England. Another portion of the Bill introduced into the Scotch law the principle known in England as the wife's equity, by which a woman upon whom no settlement had been made at the time of her marriage could require a provision to be made for her out of property subsequently accruing to her.

Lord Redesdale

Bill read 2^{a}, and *committed* to a Committee of the Whole House on *Thursday* next.

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL.—COMMITTEE.

House in Committee (according to Order).

Clause 2 (Construction of Section 57 of 5 & 6 *Will.* IV. c. 76),

LORD WENSLEYDALE moved the omission of the clause.

LORD STANLEY OF ALDERLEY said, that provision was intended to establish beyond all doubt what had hitherto been the general rule.

LORD CHELMSFORD condemned the clause. It might, perhaps, work very well in large towns where the mayor was generally a person of station, but would be productive of mischief in little places where the office was often filled by a small tradesman.

LORD BELPER supported the clause.

LORD WYNFORD said, the Lord Mayor of London did not preside simply because he was Lord Mayor, but because he had been for three years an Alderman, and had had experience in the discharge of duties pertaining to the office. He hoped their Lordships would pause before they allowed the mayors generally to supersede justices created by the Crown and approved by the Lord Chancellor.

LORD CRANWORTH was convinced that the course proposed by the Bill was the correct one. It appeared certain that it had been the usage for the mayors to preside. The decision of the Queen's Bench was conclusive that they did not preside by right; but they could not alter the usage without casting a slur upon the mayors throughout the kingdom, and he considered nothing more socially important than to keep up the character of those who occupied that position. If the mayor of a town thought that another person might be voted to preside he would probably not attend the meetings at all, and that would not be desirable. They would do well, in his opinion, to assent to the Bill, which only kept matters in the state in which they were.

Lord DENMAN said, he should vote with the noble and learned Lord (Lord Wensleydale).

On Question, Whether the said Clause shall stand Part of the Bill? their Lordships *divided:*—Contents 26; Not-Contents 25: Majority 1.

Resolved in the *Affirmative.*

Clause 3 *agreed to.*

Clause 4 (Boroughs having a separate Commission of the Peace to be deemed Towns Corporate for the Purposes of the Alehouse Licensing Act),

Lord WENSLEYDALE moved the omission of this clause.

Lord STANLEY of ALDERLEY said, the effect of the Amendment would be to create an unreasonable distinction between towns which had Quarter Sessions and those which had not, and he should therefore oppose it.

After a few words from Lord Chelmsford

On Question, Whether the said Clause shall stand Part of the Bill? their Lordships *divided:*—Contents 26; Not-Contents 23: Majority 3.

Resolved in the *Affirmative.*

Remaining Clauses *agreed to.*

Amendments made; the Report thereof to be received on *Thursday* next.

DRAINAGE OF LAND BILL.

SECOND READING.

The Duke of NEWCASTLE, in moving the second reading of this Bill, said, it had only yesterday come up from the other House. It contained about 80 clauses, and it would, therefore, be necessary that their Lordships should adopt its provisions, confiding very much in the attention which had been already bestowed upon them by those interested in this subject, or that a very useful measure should be postponed until the next Session of Parliament. The measure was one which had been suggested and urged upon the Government by the country gentlemen.

The Earl of DERBY said, it was to be regretted that a Bill of so much importance had been brought before their Lordships at so late a period of the Session. He admitted, however, that its objects were in themselves extremely desirable, and if no serious objection should be made to the clauses there was no reason why it should not become law this Session.

The Marquess of BATH did not wish to delay the passing of the Bill, but every clause would require careful consideration in Committee.

Bill read 2^a, and *committed* to a Committee of the Whole House on *Thursday* next.

House adjourned at half-past Seven o'clock, to Thursday next, Twelve o'clock.

HOUSE OF COMMONS,

Tuesday, July 30, 1861.

Minutes.]—Public Bills.—1° Volunteers, Tolls Exemption (No. 3.)
2° Volunteers, Tolls Exemption (No. 3.)
3° Treasury Chest Fund.

INDIAN MUSEUM.—QUESTION.

Colonel SYKES said, he would beg to ask the Secretary of State for India, Whether there is any foundation for a report that the Museum lately belonging to the East India Company is to be broken up and dispersed; and why the practice of sending ten or more copies of the Printed Selections from the Records of the Indian Government to the Parliamentary Paper Office for sale has been discontinued? A rumour having got abroad that this Museum was to be broken up was the reason of his asking the question.

Sir CHARLES WOOD stated, in reply, that the collection of the Indian Museum had been removed to Fife House, which formed a convenient place for its exhibition. With respect to the second question, since 1856 only two copies of the Papers alluded to had been sent for the use of the Library of the House, but he could not state the reason of the alteration in the practice.

LIABILITIES OF SHIPOWNERS.

QUESTION.

Mr. T. J. MILLER said, he wished to ask the President of the Board of Trade, Whether, in the Bill promised to be brought in early next Session on the liability of Shipowners, Pilotage, and other matters, it be intended to provide for relief to the owners of British and Foreign vessels using certain public Harbours, from taxation for the maintenance of local institutions, and for payment of the debts of the municipalities where such Harbours happen to be situate?

MR. MILNER GIBSON said, his hon. Friend must pardon him for declining to enter into a detail of the provisions of a Bill that was to be introduced in the next Session. He did not think that the subject embraced in the question of the hon. Gentleman strictly belonged to a Bill for amending the Merchant Shipping Act.

DELHI PRIZE MONEY.

QUESTION.

MR. DEEDES said, he would beg to ask the Secretary of State for India, Whether he is enabled to fix a more decided time for the settlement and distribution of the Delhi and Lucknow Prize Money than he did on the 3rd of August last year, and again at the commencement of the present Session, and what is now the cause of the delay?

MR. SCHOLEFIELD said, he wished to ask if there are any medals granted for Military Services in India still undistributed? The reason he asked the question was that one of his constituents in Birmingham, who had been attached to the Sappers and Miners in India, had received neither Medal nor Prize Money.

SIR CHARLES WOOD said, he was not able to fix any period relative to the distribution of the Delhi Prize Money. The Government of India would lose no time in preparing the rolls preparatory to the payment. In answer to the question of the hon. Member for Birmingham, he was not aware whether there were any medals undistributed or not. Perhaps, however, the constituent of the hon. Gentleman had not applied to the right office.

MR. DEEDES said, if no person more competent to do so should take up this subject next Session he would call attention to the mode in which Prize Money is issued, and the delays which take place in the same, and move for an inquiry, with a view to a better system being adopted.

CASE OF MR. H. DE WOLFE CARVELL.

QUESTION.

CAPTAIN JERVIS said, he would beg to ask the First Lord of the Treasury, What steps have been taken by the British Government to cause the liberation of Henry de Wolfe Carvell, Esq., a British Subject, who, having proceeded to Lima as executor of the will of the late Michael Winder, Esq., also a British Subject, after the opinion of the late Attorney General had been obtained that the jurisdiction of the Court of Probate did extend to the said will, has not only been unable, through the connivance of the local authorities, to recover the property of the testator, but has even been prohibited from leaving Lima, though it has been certified by proper medical authority that his detention in that climate is likely to prove fatal to him?

VISCOUNT PALMERSTON said, that this gentleman arrived at Lima in February last with the will of his father-in-law, Mr. Winder, and applied for execution of that will in regard to property in Peru. On his arrival, however, he found that a Mr. Winder, a natural son of his father-in-law, was in possession of the bonds which constituted the property in Peru, and Mr. Carvell applied to the Peruvian Government to attach such bonds as had not then been presented. In the meanwhile this Mr. Winder absconded. But then appeared Mrs. Winder, the widow of the father-in-law of Mr. Carvell, and she had gone out to dispute the will of which this gentleman had possession. Well, the Peruvian Government called upon him to remain in Peru, either himself or by authorization, to sustain his own case. He denied, however, the competency of the Peruvian Government to adjudicate in the case, and he applied to Mr. Jerningham, who addressed the Peruvian Government and requested that this gentleman might be released from the legal necessity of remaining in Peru for the purpose of carrying on his suit. That application was refused by the Peruvian Government. The case was rather a complicated one, and it had recently been submitted to the opinion of the Law Officers of the Crown. The Government had their Report, dated the 26th of the present month, and instructions founded upon that Report would be sent in a couple days to Mr. Jerningham. The hon. and gallant Gentleman would not expect him to state then what was the nature of that Report or of the instructions that would be sent out.

EDUCATION—ROMAN CATHOLIC SCHOOL INSPECTORS.

PAPERS MOVED FOR.

MR. WHALLEY rose to call attention to the Report of the Committee of Council on Education (1860 and 1861, p. 195), so far as respected the Reports of the Roman Catholic Inspectors on Roman Catholic schools receiving grants of public money, and to ask why the Reports of certain Inspectors had been omitted from the Reports presented to Parliament, and moved for further papers. He observed that, out of three Roman Catholic Inspectors, the Report of only one was published. Not less a sum than £184,000 of the public money was applied for the benefit of Roman Catholic schools, under the superintendence of Roman Catholic Inspectors, and there existed no means of knowing whether the money was properly applied. There was reason to think, from all the information they had been able to obtain, that very small results in the way of education had been obtained from that outlay; but they knew that by the side of the schools there were rising up Roman Catholic churches and chapels, and consequently an apprehension was excited that the money granted ostensibly for the purpose of education was applied to the endowment of Roman Catholic chapels, nunneries, and institutions of that nature. However that might be, he contended that the accounts of the persons to whom the money was entrusted should be under the same revision as the other educational grants.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of Further Reports of Inspectors on Roman Catholic Schools receiving Grants of Public Money."

MR. NEWDEGATE seconded the Motion, for he thought that the subject was one really deserving attention. Every other denomination supplied accounts showing that the money received for education was applied to that purpose; they stated what was the number of their scholars and the general results of their teaching; but, from the absence of the Reports alluded to, there was no security that the money was in the case of these Roman Catholic schools applied at all to the object intended. He would call attention to another point which showed extreme reticence on the part of the Committee of Council for Education. It appeared that Mr. Moseley, one of the Inspectors, had expressed the opinion that the system of the British School Society commended itself far more to the great bulk of the population of Wales than the system of the National Schools under which the Government grants were made. In consequence of that declaration the secretary of the Archidiaconal School Society of Carmarthen, thinking—he (Mr. Newdegate) concluded—that the Church should, if possible, avail itself of the terms, upon which grants were made to the British schools, addressed three questions to the Secretary of the Committee of Privy Council. He asked, first, whether the Inspectors of the British schools were instructed to report on the knowledge of the children in the Scriptures; secondly, whether the pupil-teachers in the British schools underwent an examination in the Scriptures at the end of each year; and, thirdly, whether candidates for the Queen's Colleges and certificates of merit were obliged to answer the questions in the Scriptures which were given to the candidates from the Church of England Schools. Those questions were addressed to the Committee of Privy Council with a view to produce union between Protestant Dissenters and the Church of England, and at the same time to obtain security that a Scriptural education should be given; but they received a very curt and unsatisfactory answer, the Secretary of the Privy Council Committee merely stating that, "My Lords decline to reply to your inquiries respecting the instructions issued to the Inspectors of the British schools, or to enter into any correspondence with you on the subject." He hoped the House would express an opinion to the effect that, when respectful inquiries were addressed to them for information, the Committee of Privy Council should be more courteous and explicit in their replies. It certainly appeared to him that Parliament had a right to expect that all the information should be laid before them that could enable them to see how the money they voted for educational purposes was expended.

SIR GEORGE LEWIS said, there could be no objection to furnish the fullest information with respect to the expenditure of the Privy Council grants for Roman Catholic schools, or to produce any Reports which might be useful for that purpose. But he would request the hon. Member for Peterborough (Mr. Whalley) to renew his Motion in a more explicit form, giving a more precise description of the documents which he wished to call for; and if the hon. Member were to bring forward the subject again either to-morrow or on Thursday, the Vice-President of the Committee of the Privy Council for Education (Mr. Lowe) would then be in his place, and would be able to give fuller information than he could pretend to afford. The matter was, no doubt, one which deserved the attention both of that House and of the Government, and he believed the Committee of Council would profit by the observations which had been made in the course of this debate.

Mr. WHALLEY could fully bear out the observations of his hon. Friend (Mr. Newdegate) as to the reticence of the Privy Council. An inquiry had been made of them respecting these very Reports of Mr. Marshall and Mr. Morrell, and they had refused to give any reply to the question asked. He had come down to the House at great personal inconvenience, being much indisposed, but he would renew the Motion on Thursday.

Motion, by leave, *withdrawn.*

PESTH—MR. DUNLOP'S DESPATCHES.

PAPERS MOVED FOR.

Mr. DARBY GRIFFITH, in moving for copies of the despatches of Mr. Dunlop from Pesth, when acting lately as diplomatic agent of the Government in that locality, said he was anxious to ascertain the policy of the Government with regard to Hungary and Austria. There were several indications of what it was when they were qualifying for the benches which they now adorned when they proclaimed a policy of alliance with France and distrust of Austria, and he was desirous of knowing whether they remained of the same opinion now as then. He thought the Secretary for Foreign Affairs had shown a leaning towards Austria in despatches which he had written. However, on a subsequent occasion, in answering him (Mr. Griffith) the noble Lord said the Government would be perfectly impartial, and that he hoped Hungary would attain whatever liberties were compatible with her adhesion to the Austrian Empire. During the time over which these despatches and questions extended, a gentleman had been sent from our Embassy at Vienna to Pesth, and he was allowed to remain there until the last answer to which he had alluded was given by the noble Lord. Now, the House really had no information of a trustworthy nature as to the proceedings of the Government in the matter, and such information, he believed, could only be obtained from the despatches written from Pesth. He wished to know whether the Government leaned to liberty as against authority, or to authority as against liberty. This information the despatches would help them to obtain. There was no reason in the world why these despatches should not be published—unless, indeed, Government should think that Mr. Dunlop expressed more liberal views towards the Hungarians than they were prepared to adopt. For himself, he must say he thought the Hungarians deserved their best wishes.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of the Despatches of Mr. Dunlop from Pesth, when acting lately as Diplomatic Agent of the Government in that locality."

Viscount PALMERSTON: Sir, I cannot consent to the Motion of the hon. Gentleman. Mr. Dunlop was attached to the Embassy at Vienna, and was stationed a certain time at Pesth in order to give the Government confidential reports as to the state of parties, as to the turn of events, as to the character and views of individuals, and a variety of matters very interesting and useful for the Government to know, but which were of that character that it would be quite wrong to make them public, inasmuch as that would entirely prevent any other person employed on such a mission from giving information that would be really useful. It is obvious that a person in a position like that of Mr. Dunlop writes without reserve a confidential despatch to his employers; he enters into many details respecting men and things which it is very useful for the Government to know, but which no man would write if he expected his despatches to be made public, and the parties with regard to whom he expressed opinions would know what those opinions were. Therefore, I am sorry I cannot agree to the production of these papers. With regard to the general observations made by the hon. Gentleman, I have to state that we are quite sensible, as he is, of the great importance of the events now passing between Austria and Hungary. We attach due importance to the maintenance of the Austrian Empire as a great Power in the centre of Europe, holding, I may say, a sort of balance between opposite and conflicting interests; and we should consider it a great misfortune to Europe if that empire were to be dissolved by any internal convulsion which could possibly be prevented. It has not, on the other hand, been deemed by the Government right or fitting, or their duty, to take any part in the dissensions now unhappily prevailing between the Austrian Government and the people of Hungary. These are matters in which really we see it would do no good to interfere. We do not feel called on even to express any opinion as to which party is in the right and which in the wrong. We confine ourselves to the expression of a fervent hope that these differences will be settled amicably, and in such a manner as shall leave Austria a great, powerful, and prosperous State in the centre of Europe. When the hon. Gentleman says he wishes to know whether we take part with liberty against authority or with authority against liberty, my answer is that we leave liberty and authority to settle their own disputes in Hungary, and that we do not presume to judge which party is in the right and which in the wrong. Whatever opinion we may entertain on the matter, we do not feel it the duty of the Government to express that opinion; nor do we think there would be any utility in expressing it or endeavouring to give it force. I, therefore, have only to say that we hold with regard to the unfortunate dissensions in Hungary the same course we hold in regard to the dissensions on the other side of the Atlantic—namely, a position of entire neutrality, and I should hope that the hon. Member will not press for the production of despatches which could not be given without detriment to the public service.

MR. WHITE regretted that the noble Lord had not thought proper to produce the despatches. The noble Lord said they had no right to interfere in the disputes between the Emperor of Austria and the people of Hungary. He (Mr. White) should be very glad if that strict principle of non-intervention had been rigidly adhered to in the foreign policy of this country, but he did not understand that flexible sort of policy which could now advance as a reason for not interfering the principle of non-intervention, when it was intended to support a great power at the expense of a struggling people, and yet did not hesitate at other times to interfere when the assertion of popular rights was supposed to suit the convenience of British interests in other parts of the world. If ever there was a cause in which it was proper to interfere it was that of Hungary, because we had treaty rights with Hungary. There was frequent reference to the Treaty of Vienna of 1815. Degenerate statesmen of Whig principles too often intruded upon their notice that treaty, which had been denounced by Sir James Mackintosh and other distinguished Whig writers in years past. But it was hardly the time to talk of treaties when a people of 15,000,000, making use of the right which was distinctly laid down in their Magna Charta, of taking up arms against their Sovereign, presented the most magnificent of spectacles—that of a people united as one man — all classes combined in upholding what they believed to be their dearest rights and privileges, and resisting usurpation on the part of Austria. The idea of keeping up Austria as a first-rate Power arose from jealousy of France; but if the keeping down of a great people were thought necessary for that object, nothing could be a greater mistake or delusion. The Emperor of the French had succeeded in recognizing that the time had come when the principle of nationalities would dominate, and hence he had been enabled to maintain a constant influence, to the detriment, it might be, of the peace of Europe, but which influence the present Government were aiding and abetting by showing unmistakeably their sympathy for the Austrian cause. He need not allude to the seizure of the arms at Galatz, or to the general tenor of our policy, which had been decidedly hostile to the Hungarian nation, and a most disagreeable contrast to that sympathy which we were wont to lavish upon some other nations. He could not sit down without doing homage to the great Hungarian leader, M. Deak, who, by his strict deference to a constitutional course, had earned for himself and his people the affection and respect of every person who had taken the trouble to investigate the subject.

MR. DARBY GRIFFITH said, he hoped they might confidently rely upon the observance of the principle of strict neutrality which had been laid down by the noble Lord at the head of the Government, and on that ground would not press for the production of the papers referred to in his Motion.

Motion, by leave, *withdrawn.*

STATUTE LAW REVISION BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

MR. AYRTON said, this Bill proposed

among other statutes to repeal certain revenue Acts, and he wished to direct attention to the fact that this was the first instance in which a measure for the repeal of revenue Acts had originated in the other House of Parliament.

The CHAIRMAN said, the Acts referred to had ceased to be in force.

MR. HENNESSY said, he had an Amendment to propose. The object of the Bill was stated to be the removal of useless and obsolete matter from the statute book; and as in his opinion the Act of the noble Lord the Secretary of State for Foreign Affairs, passed in the year 1851, intituled the Ecclesiastical Titles Act, properly came under this designation, he proposed that it should be included among the obsolete Acts to be removed by this Bill.

Amendment proposed, at the end of page 105, to insert "14 & 15 *Vict.* c. 60 (Ecclesiastical Titles Act); the whole to be repealed."

SIR GEORGE LEWIS said, the Bill repealed Acts which had fallen into desuetude, or been by implication virtually repealed; but its main object was to expunge those Acts from the statute book in order to reduce its bulk. With regard to the Ecclesiastical Titles Act, some maintained that it was in operation, and had been efficacious for its purpose. [*Laughter.*] That, no doubt, was a matter upon which opinions were not agreed; but the Motion of the hon. Member partook rather of the nature of a practical joke than a serious proposal. The Ecclesiastical Titles Act was passed so recently that it could not be included in the category of obsolete Acts which should be expunged from the statute book by this Bill.

SIR GEORGE BOWYER wished some of Her Majesty's Ministers would point out that the Ecclesiastical Titles Act had had any practical effect whatever. The Act provided that certain ecclesiastics should not call themselves the Bishops of certain dioceses; but every Roman Catholic believed that Cardinal Wiseman was Archbishop of Westminster, and Dr. Grant Bishop of Southwark, and for the simple reason that those dioceses were created by the very same authority which created the diocese of London, and all the other dioceses of the Anglican Protestant Church, except those established by the Act of Parliament in the reign of Henry VIII. Those two dioceses, together with the dioceses of York and Durham, were created by the Holy See, without any concurrence on the part of the civil power. As the Act never had been and never could be enforced, it could only be considered by any person of common sense as a mere absurdity, which ought at once to be removed from the statute book, and he should, therefore, cordially support the Motion of his hon. Friend.

MR. HENNESSY said, that when Dr. M'Hale, the Roman Catholic Archbishop of Tuam, was examined before a Select Committee of the House, and was asked who he was, he said, the "Archbishop of Tuam." He was then examined as the Archbishop of Tuam, and his evidence was printed by order of the House as proceeding from one holding that dignity. It was surely a practical joke, after such a proceeding, to insist on keeping this Act upon the statute book.

SIR GEORGE LEWIS thought the prohibition in the Ecclesiastical Titles Act was intended to prohibit Roman Catholic Bishops and Archbishops from taking the title of any See in the Anglican Church. There was no Protestant Archbishop of Tuam.

MR. HENNESSY said, the right hon. Baronet had made two mistakes. There was a Protestant Bishop of Tuam; and, next, the Act prohibited the assumption of titles for any place within the United Kingdom. The Act also referred to Deans, Archdeacons, and minor dignitaries of the Church.

MR. NEWDEGATE said, if the hon. Gentleman had formed any design to repeal the Ecclesiastical Titles Act it would have been better for him to have directly introduced a Bill for that repeal. If the hon. Gentleman wished to be consistent, why did he not bring in a Bill to repeal the provisions of the Roman Catholic Relief Act? The hon. Gentleman had the example of Sardinia before him, and he had also the example of Roman Catholic France; and he might derive instruction from the course of M. Dupont in the latter country, and of Count Cavour in Italy. It was vain to attempt, by a side-wind like this, to get rid of an important Act of Parliament, and he should certainly vote against its repeal.

Question put, "That those words be there inserted."

The House *divided:*—Ayes 4; Noes 69: Majority 65.

MR. AYRTON renewed his objection to the embodiment, in a Bill sent down from the Lords, of the repeal of revenue regulations, inasmuch as the House of Commons persisted in the right of originating all measures relating to finance. He wished to know whether, if the Bill were passed, a special entry ought not to be made on the Journals of the House containing the reasons for so doing.

THE CHAIRMAN said, he believed all the statutes referred to were obsolete Acts, and that under them no duties were at present levied.

Bill passed through Committee.

House *resumed.*

Bill *reported*, with Amendments; as amended, to be considered *To-morrow.*

BANKRUPTCY AND INSOLVENCY BILL.

LORDS' AMENDMENTS.

Message from *The Lords:*

"That they do insist upon such of their Amendments to the Bankruptcy and Insolvency Bill relating to the office, powers, and duties of the proposed Chief Justice of the Court of Bankruptcy, to which the Commons disagree, and assign the Reasons for insisting thereon.

"That they do not insist upon their Amendments to the said Bill to which the Commons disagree, and agree to the Amendments made by the Commons to the Amendments made by the Lords, and also to the Original Bill, without Amendment."

Lords Reasons to be considered *To-morrow.*

VOLUNTEER TOLL EXEMPTION (No. 3) BILL.

LEAVE.—FIRST READING.—SECOND READING.

SIR JOHN SHELLEY said, that in a Bill similar to this the Lords had moved an Amendment having reference to money, and that Amendment, therefore, could not be acceded to by this House. He now moved to bring in this Bill, and he hoped that under the circumstances the House would allow it to be read a first and second time this day.

Bill "to exempt the Volunteer Forces of Great Britain from the payment of Tolls," *presented*, and read 1°.

Bill read 2°, and *committed* for *To-morrow*, and to be *printed.*

[Bill 271.]

House adjourned at Six o'clock.

HOUSE OF COMMONS,

Wednesday, July 31, 1861.

MINUTES.] NEW MEMBER SWORN.—For the City of Oxford, Right hon. Edward Cardwell.

PUBLIC BILLS.—1° Probates and Letters of Administration Act (Ireland) Amendment.

3° Consolidated Fund (Appropriation); East India Loan (No. 2); Militia Pay; Militia Ballots Suspension; Wills and Domicile of British Subjects Abroad, &c.; Wills of Personalty by British Subjects; Statute Law Revision; Corrupt Practices Prevention Act (1854) Continuance; Landed Estates (Ireland) Act (1858) Amendment; Metropolitan Police District Receiver; Parochial Offices; Local Government Supplemental (No. 2); Government of the Navy; Volunteers, Tolls Exemption (No. 3).

PRIVATE BILLS—STANDING ORDERS.

MR. DEEDES moved the following Resolution to follow Standing Order 162:—

"When in any Bill a provision is inserted authorizing any Company to subscribe towards or to guarantee or to raise any money in aid of the undertaking of another Company (which Bill is not brought in by the Company so authorized, or of which such Company is not a joint promoter), proof shall be required before the Examiner that the Company so authorized has consented to such subscription, guarantee, or raising of money, at a meeting of the proprietors of the ordinary shares in such Company, held specially for that purpose, in the same manner and subject to the same provisions as the meeting directed to be held under Standing Order 162, and that such consent was given by such proprietors, present in person or by proxy, holding at least three-fourths of the ordinary paid-up capital of the Company represented at such meeting, such proprietors being qualified to vote at the meeting in right of such capital; and that the Notices for the Bill state the sum authorized to be subscribed, or guaranteed or raised, and also state that the consent of the Company has been given as aforesaid; in any case in which such consent has been given, it shall not be necessary to submit the Bill, in respect of such provision as aforesaid, to the approval of a meeting to be held in accordance with Standing Order 162."

The hon. Member said that these Resolutions had received the unanimous approval of the Members of the Standing Orders Committee, and that Resolutions similar in principle had been adopted in the House of Lords. He hoped, therefore, that there would be no objection to the Motion.

COLONEL FRENCH said, that some time ago he put the question, whether there was any intention to propose any alterations in the Standing Orders of that House this Session? and he was assured that there was none. Under these circumstances, and at this late period of the

Session, it was not acting fairly by the House to submit a proposition of this nature, which was one calculated at the present time to give rise to considerable inconvenience, and he should feel it his duty to offer every opposition to it.

MR. LOCKE must confess that he saw no necessity for entering this Resolution as a Standing Order of the House.

MR. NEWDEGATE supported the Motion, which would afford a security that when railway companies approached the Legislature they were in a position to carry out the engagements which they had contracted.

MR. HENLEY also supported the Motion. It would prevent railway shareholders from being bound by arrangements entered into by directors without their sanction; and it would effect that object by requiring that the assent of the shareholders should be obtained before the introduction of a Bill, instead of being obtained during its progress.

MR. BONHAM-CARTER, as a Member of the Standing Orders' Committee, could assert that no injury would be done to any one by this new Standing Order, which would limit a certain class of speculative private Bills. It was not customary to propose any change in the Standing Orders except at the end of the Session.

Motion *agreed to.*

Standing Order 163 read, and *repealed.*

Ordered,

"In case any proprietor in any Company shall by himself, or any person authorised to act for him in that behalf, have dissented at any meeting called in pursuance of Standing Order 162, or the last preceding Standing Order, such proprietor shall be permitted to be heard by the Examiners of Petitions, on the compliance with such Standing Order, by himself, his agents and witnesses, on a Memorial addressed to the Examiners, or by the Committee on the proposed Bill, by himself, his counsel or agents and witnesses, on a Petition presented to the House, such Memorial or Petition having been duly deposited in the Private Bill Office."

Ordered, That the said Orders be Standing Orders of this House.

CASE OF THOMAS CARTER.

EXPLANATION.

Sir GEORGE LEWIS said, he had been asked on a previous day a question respecting the case of Thomas Carter, who had been committed to prison for three weeks in the Isle of Wight, under the Vagrant Act. He had that morning received an explanation of the case from one of the committing Magistrates. His letter was dated from a place in Ayrshire, whither his (Sir George Lewis's) letters had followed him. The writer said he had instructed the Clerk of the Petty Sessions to forward to the Home Office a Report of the evidence in the case of Carter, but he (Sir George Lewis) had not yet received that evidence. The writer added that Carter was convicted on the sworn testimony of the police, who stated that two young women, on their way home to St. Helens, were so frightened by his jumping out nearly upon them, that they were obliged to return back to obtain the assistance of their brother. Carter was found by the police drunk in a field, and unable to give any account of himself. He had been seen previously by a sergeant of police wandering about the streets of Ryde, and unable to give any account of himself. He asked the Sergeant where he could obtain a bed, and the Sergeant told him, and told him also the price he would have to pay for it. Carter, however, did not avail himself of the information, but was found subsequently in a field drunk. That was the statement made by the Magistrate, and which had been thought by him sufficient to justify the committal.

OFFICERS OF RESERVE (ROYAL NAVY) BILL.—QUESTION.

MR. AYRTON said, he rose to ask, in reference to this measure, Whether the House had passed any Bill in the present Session authorizing Her Majesty to pay the Officers of the Navy Reserve, and whether the Government intend to pay them any sum, or make any allowance whatever to them?

LORD CLARENCE PAGET said, that there was no engagement in the Bill to pay any of these Officers, and it was not intended to pay them. What he should propose was that in the Estimates of next year a certain sum should be set apart in order to give the Officers in question a small allowance, while under drill, for lodging and food. That must be voted by Parliament and, therefore, the House was not engaged to any sum by the present Bill.

MR. AYRTON said, that the noble Lord had not answered what he had asked, and was proceeding to explain the object of his question, when

MR. SPEAKER said, it was improper to enter upon a discussion of a Bill standing in the Orders of the Day before it came on in a regular order.

FREE EMIGRANTS TO AUSTRALIA.
QUESTION.

COLONEL FRENCH said, he wished to ask the Under Secretary of State for the Colonies, By whose sanction the rule has been made at the Emigration Office, that Passages to Australia will be given to English and Scotchmen, but not to the Irish?

MR. CHICHESTER FORTESCUE said, that the question was founded on a misconception. No such rule had been laid down as was implied in the question. The Emigration Commissioners only spent the money of the Australian Government, and that Government required that the emigrants sent out should be in proportion to the population of each of the three divisions of the United Kingdom. However, owing to an insufficient supply of emigrants from England and Scotland, the number from Ireland had always been in excess of the proportion. Between 1847 and 1858, out of 257,000 emigrants sent out, 79,000 were sent from Ireland, whereas, according to the proportion, the number should only have been 61,000. The Commissioners were endeavouring to redress the proportion, and were, therefore, obliged to refuse Irish emigrants at present.

THE THAMES EMBANKMENT.
QUESTION.

SIR JOHN SHELLEY said, he rose to inquire, Whether the Government intend to adopt the recommendations contained in the Report of the Thames Embankment Commissioners as regards the line of Embankment proposed to be taken; and whether they intend to appoint another Commission for the purpose of carrying out the work; and, if not, to what body they propose to intrust the construction of the Embankment?

MR. COWPER said, that the Royal Commission who considered the question of the Thames Embankment had made their Report, in which they recommended a plan providing for the convenience of the public, with a due regard to private interests, in a manner much more successful than had been suggested in any previous plan; and the Government were prepared to give effect to that recommendation. The Royal Commission also recommended that there should be appointed a Special Commission to execute the work; but the Government were not prepared to adopt that recommendation. Considering that the Coal Duty was a local charge, he believed that it would be satisfactory to those who paid it that the expenditure should be in the hands of local representatives. He also thought it desirable not to establish new authorities for any object which existing authorities were competent to effect. The Metropolitan Board of Works were appointed by Statute for the execution of duties much resembling the duties required to be discharged in this case, and, therefore, in the Bill, which he should introduce next Session to give effect to the engineering scheme recommended by the Royal Commission, he should propose that the direction of the work and the expenditure of the money proceeding from the Coal Duty fund, should be entrusted to the Metropolitan Board of Works.

SALARIES, PENSIONS, &c.—QUESTION.

MR. WHITE said, he wished to ask the Secretary to the Treasury, When the Returns relative to Salaries, Pensions, &c., for which an Address was moved on the 1st of March last will be presented?

MR. PEEL said, these Returns comprised every person who received £150 of the public money during the last year, and were, therefore, very voluminous. The greater number of offices had sent in their Returns, but there were one or two important offices whose Returns were still wanting, and he could not say when they would be presented to the House.

LUNACY REGULATION BILL.
COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. WALPOLE made an appeal to the right hon. Gentleman the Secretary for the Home Department not to proceed with the measure. A comprehensive Report with respect to the whole subject, and dealing particularly with the class of lunatics to whom the Bill referred, usually called Chancery lunatics, was made by a Select Committee last year. The Select Committee found that those lunatics were less visited, and, therefore, in a sort, more neglected than any other class of lunatics, and recommended that one system of supervision and treatment should be applied to all the lunatics in the country. This object the present Bill did not effect. The 3rd Clause, giving power to the Court of Chancery, simply on affidavit, to take any lunatic's property under the value of £1,000 or £50 a year, and apply it for his benefit in a summary manner required to be carefully considered. That some such alteration was necessary he firmly believed, but he could not give his assent to the clause in the Bill, as it was drawn up too loosely and imperfectly. He also contended that the provisions of the Bill did not afford a security for the proper visitation of Chancery lunatics, and, believing that there was not one clause which did not require careful supervision he pressed on the Government the propriety of proceeding with the measure.

Mr. BRISCOE, as one of the Committee, and as one who had given great attention to the subject, entirely agreed with what had fallen from the right hon. Gentleman. He earnestly implored the Government not to proceed at this time with a Bill of such importance, and in the absence of many hon. Gentlemen who, if present, would certainly have opposed the Bill. This Bill was brought down from the Lords on the 23rd of April, nothing was done with it in the months of May and June, it was not printed till the 4th of July, and now, on the very day that Her Majesty's Ministers were about to celebrate by the usual dinner the virtual termination of the Session, it was proposed to consider the Bill. He could not help urging on the Government to allow a short time for the consideration of the measure, and early next Session they would have an opportunity of introducing it in such a shape as might command the sanction of the House.

Sir GEORGE LEWIS trusted, notwithstanding the festivity which had been alluded to, that the House would consent to consider the clauses of the Bill. This Bill consisted of two parts, the first of which related exclusively to the simplification of procedure with respect to the poorer classes of lunatics. He had observed in that House that there were two sets of objections which were played off upon any Bill according to the convenience of the moment. If the proposal was to introduce additional elaboration of procedure, then it was immediately said that they were multiplying technicalities, that the proposal was conceived in a red-tapist spirit, and that they were overloading the simplicity of justice with restrictions and obstacles. If, on the other hand, it was proposed as in that Bill to simplify the administration of justice, and to render it cheaper and more direct, then it was said that they were taking away the protection that was due to litigants, and that the liberty of the subject was placed in danger. Now the question was whether the clauses with respect to that class of lunatics who possessed but limited means were not advantageous? This Bill was prepared with great care by the late Lord Chancellor, and was well fitted for the object it had in view. With respect to the latter part of the Bill, he proposed, by the introduction of Amendments, of which he had given notice, to leave matters nearly in the same condition as they were in at present; but there was a clause which would enable retiring pensions equal to two-thirds of their present salaries to be given to the Medical Inspectors out of the Free Fund. One of those gentlemen was past eighty, and the other was seventy-seven. With respect to the salaries of the medical officers, which were now £500 a year, it was proposed to make them £750. He trusted with that explanation the House would go into Committee.

Mr. DEEDES said, that the Bill came down from the House of Lords in April, and it was not until the present moment that they were asked to go into Committee on it. He protested against matters of public interest being treated in that sort of way.

Sir GEORGE LEWIS said, that he was not aware when this Bill came down from the Lords. The hon. Gentleman knew very well that much important business, owing to the debates in Committee of Supply, had been postponed to the end of the Session. He was of opinion that a short Bill of this kind, which had come down from the Lords, might be considered up to the very end of the Session.

Mr. HENLEY said, that this Bill, though a short Bill, involved some very serious principles — principles exactly contrary to those which the Select Committee recommended. They did not complain that a cheaper and more summary mode of dealing with property of a small amount was being introduced, but that this was to be done in so perfunctory a manner. Those who knew anything of lunatics, knew that lunatics sometimes got well. Chancery lunatics never did get well. He wanted to know what would be the fate of those poor people who on getting well would find their little property had been disposed of by order of the Lord Chancellor. There was no information given upon this matter, and was the House justified at this period of the Session in going into Committee? He must express his regret that the Government were determined to go on with the Bill, and considered that it was almost indecent to proceed with it at that period of the Session. They were asked to agree to the measure, not on its own merits, but because it had been well considered in "another place;" but was it evidence of its having been well considered that the Government had themselves altered it in a most material point since it came from the other House? The House of Lords came to the determination that the medical visitors should not have private practice; but the Secretary of State said they should have private practice, and gave notice of an Amendment to that effect. He submitted that they should not send back this Bill to the Lords at a period of the Session when it could get no consideration at all. It was proposed that pensions for the retiring officers should be paid out of the fee fund, which—were it not for a blessed accident—would have been swept away before the Bill was under consideration, and appropriated to another purpose.

Colonel FRENCH said, it appeared to him that the best mode of avoiding unnecessary discussion upon that occasion was to take the sense of the House on the Motion immediately before them. He, therefore, moved that the Bill be read a second time that day three months.

Mr. BOVILL seconded the Amendment. The proposal of the Government was entirely opposed to the view of the House of Lords and of the late Lord Chancellor, who gave very great consideration to the subject. Where was the urgent necessity for this Bill? What reasons had they to suppose that the House of Lords, having deliberately passed the Bill in its present form, would agree to it in a totally different form.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day month, resolve itself into the said Committee," instead thereof.

The SOLICITOR GENERAL expressed his surprise at the objections that had been urged against the Bill. It was not correct to state that the Bill was totally inconsistent with the Report of the Committee. It was only proposed in one instance to depart from the recommendation of the Committee. The Committee recommended that there should be no Chancery visitors, and that the Commissioners in Lunacy should visit the Chancery as well as other lunatics; and the Government declined to adopt that recommendation. They proposed to give to the visitors hereafter appointed an increase of salary, and to give retiring allowances to the present visitors, who had discharged their duties in an exemplary manner, but were unable from their advanced age to do so any longer with the degree of efficiency that was necessary. The effect of refusing to pass the Bill would be compulsorily to retain in office gentlemen whose powers were unequal to the work which, for the benefit of the lunatics, the Government desired to have performed. If the Bill were not passed, the power of the Lord Chancellor to deal with the property of this class of lunatics would be paralyzed; and there was an urgent necessity that powers similar to those given by the Bill should be entrusted to the Court of Chancery.

Mr. MALINS said, that the only question was whether they ought to proceed with a Bill of this importance at this time of the Session. He was quite in favour of certain clauses of the Bill relating to poor lunatics; but there were so many other clauses of a debateable character that he did not think it ought to be proceeded with after it had lain on the table four months unnoticed.

Mr. TITE objected to the Bill, as not going far enough. He thought it of great importance that lunatics should be visited at least twice a year. The present was a very imperfect Bill, and he thought that they ought not, at the present time, to proceed with any part of it excepting that relating to the appointment of visitors.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for one month.

CONSOLIDATED FUND (APPROPRIATION) BILL.—THIRD READING.

Order for Third Reading read.

Lord ELCHO rose to put a Question, of which he had given notice, to the Secretary of State for War relative to the supplemental Volunteer Vote. He simply desired to elicit an explanation as to the manner in which this money was to be distributed, and what provision it was proposed to make for giving musketry instruction to Volunteer corps. The financial year of many corps commenced about this time, and in making their financial arrangements for the coming year it would be convenient to know what amount of grants would be allotted to them, either in "kind" or in money, for affording that instruction. He should not ask for any specific answer on the subject then, but should content himself with requesting that as soon as the details had been settled by the War Office, the Volunteer corps should be put in possession of the views and intentions of the Government in this matter. He desired to say that he thought the late Under Secretary for War (Mr. T. G. Baring) had rather a tendency to exaggerate the amount of assistance which was at present given by the Government to the Volunteer force, and he dreaded lest an impression might get abroad that they received more than they actually did. His hon. Friend had calculated that the Volunteers would receive, including the supplementary Vote, £190,000. He (Lord Elcho) did not think that the sum on account of Volunteers could be fairly put down at anything like that amount. In that sum was calculated £43,000 for the wear and tear of arms. But the House should bear in mind that at the time of the Crimean War the stand of arms in this country was so low that there was not 100,000 stand of arms over and above the arms in the hands of the troops employed in the different parts of this great empire. Therefore, a supply of arms was indispensably necessary, and it was rather hard to debit the Volunteers entirely with this large sum, which had been necessarily spent in putting in a stock of arms. It should also be remembered that if those arms did suffer a little more from being in use than if they were kept in the Tower, the Volunteers were obliged to repair any injury done to them at their own cost. They had also to provide an armourer, and *pro tanto* the Government were saved the custody of those arms. The Volunteers were also debited with £64,000 for ammunition. Now, he had calculated that about 140,000 Volunteers would draw that ammunition, and allowing ninety rounds per head, and putting that allowance at 4*s*., that would give £28,000 on 140,000 men, instead of £64,000. He desired on the part of the Volunteers to thank the Government for the assistance which they had already extended to them, and to express a hope that as soon as possible the scheme which they had elaborated would be made public.

Mr. HUMBERSTON said, that at present Volunteer corps had not only to provide a store room for their arms, but also to pay an armourer to take charge of them, and this was a matter which he trusted would enter into the consideration of the Government. There were many battalions also which were composed of companies of Volunteers separated by long distances, who could only be brought together for the purposes of drill at the individual expense of the members, and he thought something should be done to meet that case. He trusted that any arrangement which should be made for affording assistance to Volunteers would date from the commencement of the financial year. He was sure the country would gladly pay any slight increase of expense caused by this. With respect to rifle ranges, he thought Engineer officers might be employed with advantage in laying out these ranges. He suggested that the Government should take into consideration the giving assistance to Volunteer officers and Volunteers generally to avail themselves of the instruction at Hythe.

Sir GEORGE LEWIS said, that he had much pleasure in answering the question, though he felt sure if the same question had been put to the Under Secretary when the Vote was proposed, the hon. Gentleman would have received an answer as satisfactory as those which he (Mr. Baring) had been in the habit of giving in discharging the business of his department. Of the £30,000 voted £10,000 was to be applied to the pay of adjutants, and £20,000 for drill sergeants. But this latter portion was, in fact, only for six months; therefore, it must not be considered to be merely a Vote of £20,000. If it had been taken for the whole year it would have been double that amount. The Vote had only been agreed to and reported a very short time, and there had not yet been sufficient opportunity of considering the regulations with respect to its expenditure. These were now under consideration, and would shortly be issued. When they were submitted to the public he trusted it would be found that proper discretion had been exercised in framing them.

MR. DARBY GRIFFITH thought, that both Parliament and the country would gladly have given their sanction to a larger Vote, and regretted that the Government should have been less generous than the House of Commons in dealing with the Volunteer force. Musketry instruction, which was quite as important as ordinary drill, would still have to be provided out of the private funds of the Volunteers. He hoped an addition would be made to the grant next Session.

SIR JOHN SHELLEY trusted the House would permit him to take that opportunity, the last which would occur, to express his surprise and regret at the statement made by the First Commissioner of Works in the early part of the sitting with respect to the Embankment of the Thames. He had understood that the carrying out of so important an improvement as the Embankment of the Thames would be intrusted to the Metropolitan Board of Works; but it now appeared that the Chief Commissioner himself proposed to bring in a Bill on the subject, and that the Metropolitan Board were to be employed merely in the mechanical construction of the embankment. The Metropolitan Board had already resolved to examine the plans and bring forward a Bill themselves; so that if the Government persisted in their determination to take the matter into their own hands, unnecessary expense would be incurred by the preparation of two Bills. He protested, on behalf of the ratepayers of the Metropolis, against the proposal that the First Commissioner or the Government should decide what the plan ought to be, and that the Metropolitan Board should be treated like a parcel of masons. Nobody had seen the plan recommended by the Royal Commissioners, and for his own part he was entirely ignorant whether it was an economical plan or one which would be generally approved. It had received the approval of the Commissioners themselves; but, with all respect to those gentlemen, he doubted whether anybody would have selected them as the persons best qualified to prepare a plan for so important a work. Before the Government assumed the responsibility of adopting any particular plan, whether recommended by a body of Royal Commissioners or not, they should take further advice upon it. The Embankment of the Thames was to be paid for by the inhabitants of the Metropolis, and in their name he protested against the treatment which, according to the statement of the Chief Commissioner, the Metropolitan Board of Works were about to receive from the Government. Judging from the report which he had seen in *The Times*, the present was the first occasion, although the matter had been discussed for years, on which a proposal had been made to dispense with docks and all means of carrying on traffic on the banks of the Thames in Westminster. As four-fifths of the embankment would be in Westminster, he thought that before any plan was adopted by the Government, the opinion of his constituents should be taken upon it. For these reasons, he hoped to receive an assurance from the Government that they intended, not only to intrust the construction of the work to the Metropolitan Board, but also to impose upon that body the responsibility of bringing forward a Bill, and of deciding whether the plan recommended by the Royal Commissioners was the best which could be adopted.

MR. G. W. HOPE said, that as a constituent of the hon. Baronet and a ratepayer of the Metropolis, he protested against the proposal to intrust the Metropolitan Board of Works with the embankment of the Thames. He knew that body only in one way—they were pepetually sending him bills for rates, and, up to the present moment, he had seen none of their works, except a fine Italian palace which they had erected for themselves in Spring Gardens. The embankment of the Thames was a great national work, and as such it ought to be carried out under the responsibility of the Government.

MR. W. WILLIAMS enquired whether it was intended to construct an embankment on the Surrey side of the river? That district was exposed to frequent inundations, and it paid a larger proportion of the coal duties than any other part of the Metropolis. The embankment of the north side, moreover, would throw a larger body of water into the south side. It was, therefore, entitled to have a fair share of the money expended in the improvement of the banks of the river.

MR. BRISTOW, in reference to what had fallen from the hon. Member for Windsor, begged to assure him that the taxes he paid were to pay off the debts of the old Commissioners of Sewers, and he did not pay a shilling towards the erection of the edifice in Spring Gardens which he thought so grand. As to what had fallen from the hon. Member for Westminster

(Sir John Shelley), he had made a mistake in saying that the Metropolitan Board of Works had taken up the plans in reference to the embankment of the Thames. At the present moment the Metropolitan Board of Works were perfectly blank on the matter. He thought, however, if the matter were left to them at all it should be left to them absolutely. If it were taken up by the Government, then perhaps the Government would pay for it. But if the inhabitants of the Metropolis were to be taxed for it, then the Metropolitan Board of Works should have the deciding upon it.

Mr. COWPER had little to add to the statement which he made in the early part of the sitting. The House had agreed to place the coal duties in the hands of the Commissioners of the Treasury, in order to await the passing of a Bill authorizing the money to be expended in the embankment of the Thames. Next Session the whole matter must come under the notice of the House in the form of a Bill, and, no doubt, it would then be fully discussed. Meanwhile he begged it to be understood that he never said anything which could lead the House to suppose that the Government contemplated taking any part in the expenditure of the coal duties on the Thames embankment. The Royal Commissioners had reported that in the first instance the embankment should be executed on the north side of the river, but he was himself strongly of opinion that the work would not be complete until it included the Surrey side also. He thought, however, it would be quite enough to undertake the embankment of one side at a time.

Lord FERMOY was glad that the Chief Commissioner had to some extent retracted the statement he made in the early part of the sitting, and that the Metropolitan Board of Works were to have some control over the preparation of the plans as well as over the mere stone and mortar work. He certainly thought that, if the Metropolis was to pay for the work, their representatives should have the management of it.

Mr. COWPER said, he had retracted nothing. What he stated in reply to the hon. Baronet the Member for Westminster, and what he had just repeated, was that the Government were not going to take any part in the management or execution of the Thames embankment. It was necessary, however, that the Government should take measures for passing the Bill which was to confer upon the Metropolitan Board of Works the power of making that embankment. Certain notices with respect to the purchase of property must be given in November next, unless another year was to be wasted, and, as the Government had obtained the consent of Parliament to their measure with reference to the coal duties, and had appointed a Royal Commissioner to consider the various plans which had been suggested for the embankment of the river, they would take the necessary steps for enabling Parliament to complete the subject next Session. His desire was that another year should not be wasted, but that, on the contrary, they should have an opportunity next Session of applying the coal duties to the embankment of the Thames.

Mr. DEEDES regretted that the Metropolitan Board of Works were to have anything whatever to do with the Thames embankment. Hitherto they had done nothing at all, and he was afraid that, if placed in their hands, the plan recommended by the Royal Commissioners would never be carried out. It was not correct to say that the Metropolis was to pay for the embankment. The expense would be borne by the consumers of coal.

Mr. AYRTON denied that the Metropolitan Board had done nothing. They were charged with correcting errors committed under the patronage of the Government for about 100 years in the drainage of the Metropolis, and when they succeeded in preparing plans for the work the Government appointed referees of their own to supersede those plans and to substitute new ones. The plans of the Board were to cost £2,300,000 ; those substituted by by the Government would have cost £11,000,000. The Board had intelligence and firmness enough to refuse to listen to the suggestions of the Government ; and what was the result ? The Government of Lord Derby had the sense to intrust the work entirely to the Metropolitan Board. Such was the policy of a Conservative Government respecting the municipal institutions of the country ; and the consequence was that, instead of the funds of the Metropolis being squandered in the most unintelligible and stupid manner to the extent of £11,000,000, a plan was sanctioned by the Derby Government, under which the same benefits would be conferred upon the inhabitants of the Metropolis at an expense of less than £3,000,000. The works had been going on for some time; they were of great magnitude and importance, but, being underground, the hon. Member for East Kent had not seen them, and so he jumped to the conclusion that the Metropolitan Board had done nothing. When completed they would be among the finest works of the kind in the world. With regard to the Thames embankment, a permanent Commission had been recommended, in order that some of the engineers and surveyors who had been engaged in the inquiry might continue to be employed in carrying out the work. That was the way he expected the thing would end. The right hon. Gentleman proposed a scheme which would deprive all the inhabitants of Westminster of exercising any power whatever in regard to the plans. The proceedings were to be carried on by the Chief Commissioner regardless of expense, and were to be paid for, not out of the imperial revenue, but from the local taxation. Before any steps were taken the inhabitants of the Metropolis should have the opportunity of expressing their opinions on the subject.

MR. T. J. MILLER regretted that the right hon. Gentleman had so far committed himself that this work should be carried on by the Metropolitan Board of Works. It would have been much better to take time maturely to consider the question. He much feared, if the work got into the hands of the Metropolitan Board, it would prove a never-ending job. If an independent Commission were intrusted with its execution, the expense might have soem chance of being limited to the amount of the estimate.

Bill read 3° and *passed.*

BANKRUPTCY AND INSOLVENCY BILL.

LORDS' AMENDMENTS.—REASONS CONSIDERED.

THE ATTORNEY GENERAL moved the consideration of the Lords' Reasons for insisting on certain of their Amendments to this Bill, to which the Commons had disagreed.

The Clerk at the Table then read the Reasons as follows:—

"The Lords insist upon such Parts of their Amendments in the Preamble to Clause 1, and in Clauses 2, 3, 4, 13, 14, 18, 22, 23, 33, 37, 39, 43, 52, 55, 56, 57, 59, 60, 61, 63, 67, 68, 71, 74, 75, 76, 77, 78, 83, 99, 111, 112, 129, 142, 164, 169, 178, 202, 212, 213, 230, 243, and 246, and in the Schedule of repealed Parts of Statutes, as relate to the subject of a Chief Judge in Bankruptcy and Matters consequential thereon, and also to Clause (A.) added by their Lordships to the Bill, and which have been disagreed to by the Commons, for the following Reasons:—

"Because they consider the Appointment of a Chief Judge as the Head of the Court of Bankruptcy in London to be unnecessary; the original Jurisdiction which it is proposed to confer does not, in their Opinion, require a Judge of high Attainments and Authority, but would be equally well exercised by the London Commissioners, and the Creation of a new Judge to be the Judge of Appeals seems not to be called for by any Necessity, because the Appeals in Bankruptcy at present occupy the Time of the Lords Justices acting as the Court of Appeal for only a few Days in each Year, and there is no Reason to expect that the passing of the Bill will occasion such an increase in the Appeal Business as to prevent its being satisfactorily disposed of by the same Appellate Tribunal:

"Because the Proposal to confer original Jurisdiction on the Chief Judge is not at all calculated to secure Consistency in the Administration of the Bankrupt Law, inasmuch as this Jurisdiction would be confined to the Metropolitan District, and no Provision would be made by it for securing Uniformity of Decision amongst the Commissioners of the District Courts and the County Court Judges sitting in Bankruptcy, and if this Consistency in the Administration of the Bankrupt Law is to be obtained by means of 'a central and controlling Authority,' it is unnecessary to create a new Judge of Appeals for the Purpose, as the Object is already secured by the existing Court of Appeal:

"Because if it is a principal Object of the Bill gradually to supersede the Commissioners by means of the Establishment of the Chief Judge, so great a Change in the present System ought not to take place in this Manner, but should be made only by the express Authority of Parliament."

"With the preceding Exceptions, the Lords do not insist upon any of their Amendments to the said Bill to which the Commons disagree, and agree to the Amendments made by the Commons to their Lordships Amendments and also to the original Bill."

THE ATTORNEY GENERAL moved that the House do not insist in their disagreement to the Amendments made by the Lords. They were well aware, and the reasons just read made it very apparent, that the Amendments to this Bill as it originally passed the House, and on which the other House of Parliament insisted, were those which related to the appointment, duties, and salary of the Chief Judge in Bankruptcy. If the House were to persist in the view they had taken when the Bill was last before them, the consequence would inevitably be that the Bill would be lost; and, under those circumstances, it had become the duty of the Government to consider what course they should advise the House to pursue; and, although Her Majesty's Government retained the opinion, expressed by its Members in the discussions on the various stages of the Bill, in favour of the appointment of the Chief Judge, and that for the Reasons adopted by that House and transmitted to the other House of Parliament, and although they still considered that the provisions of the Bill were greatly impaired, and its chances of working well at the outset were very much diminished by the omission of that portion relating to the Chief Judge, still they considered that even without that part of the Bill there was an amount of good in it which was capable of working, although defectively, and which ought to induce the Government to take the Bill mutilated and shorn, as he admitted it to be, rather than not carry the measure at all. Under these circumstances the Government had come to the conclusion to advise the House—of course it was for the House to consider whether they should adopt that advice—not to insist further in their disagreement to the Amendments made by the Lords; but practically to accept the Bill as amended by the other House. He should, however, have to propose certain verbal Amendments, to which he was sure no objection would be made, which were rendered necessary for the purpose of enabling those by whom the General Orders were to be made to make them in proper time, in the absence of the Lords Justices. He now begged to move that the House do not insist in their disagreement with the Amendments made by the Lords.

MR. CRAWFORD, before taking leave for the present of a subject which he was sure would soon again occupy their attention, wished to state that, representing as he did a constituency which had taken a deep interest in the question, he was disposed to concur in the course which the Government recommended the House to pursue. He thought the people out of doors were as competent to form an opinion on this subject as noble Lords elsewhere, and when it was said in the Reasons which had been read that it was not necessary that a functionary of high legal attainments and authority should be appointed in bankruptcy, the public would view the reasons with very great suspicion. He believed the Lord Chancellor would find great practical difficulty in the working of this Bill without the Chief Judge; but the responsibility rested, not on the Lord Chancellor, but on those who had, as the Attorney General said, mutilated the Bill. If it were found that the Bill could not be fairly carried into effect without the Chief Judge, another application would, no doubt, be made to Parliament, and they would then know what course to take. He only hoped, when the matter came again to be discussed, neither senile obstinacy nor professional jealousy would be allowed to interfere.

MR. BOVILL thought the hon. Gentlemen had not exactly appreciated what was stated in the Reasons of the Lords with reference to the functionary of high legal attainments. Already Commissioners, gentlemen of great learning and legal ability, and with thirteen years' experience in that department of law, exercised jurisdiction in bankruptcy, and so satisfactorily had they hitherto administered the law that only forty-two appeals had been made from their decisions during that time. And with respect to appeals the hon. Gentleman had apparently forgotten that now the Court of Appeal consisted of the Lords Justices sitting in bankruptcy, who were acknowledged on all hands to constitute one of the best legal tribunals in the country.

Motion *agreed to.*

Resolved, That this House doth not insist upon their disagreement to the Amendments made by the Lords upon which their Lordships insist.

Consequential Amendment made in Clause 52.

House adjourned at a quarter before Four o'clock.

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HOUSE OF LORDS,

Thursday, August 1, 1861.

MINUTES.] PUBLIC BILLS.—1ª Gardens in Towns Protection; Consolidated Fund (Appropriation); East India Loan (No. 2); Militia Pay; Militia Ballots Suspension; Wills and Domicile of British Subjects Abroad, &c.; Corrupt Practices Prevention Act (1854) Continuance; Landed Estates (Ireland) Act (1858) Amendment; Metropolitan Police District Receiver; Parochial Offices; Local Government Supplemental (No. 2); Volunteers Tolls Exemption (No. 2.); Treasury Chest Fund.

2ª Metropolis Gas Act Amendment; Lace Factories; Gunpowder, &c. Act Amendment; Episcopal and Capitular Estates Act Continuance, &c.

3ª Industrial Schools (Scotland); Industrial Schools; Enlistment in India; Indemnity.

Royal Assent.—Piers and Harbours; Turnpike Trusts Arrangements; Harbours; Passengers (Australian Colonies); Metropolitan Police Force Pensions; Railway Companies Mortgage Transfer (Scotland); Drunkenness (Ireland);

Landlord and Tenant Law Amendment (Ireland) Act Proceedings; Vaccination; Voters (Ireland); University Elections; Dublin Revising Barristers; Lunatic Asylums (Ireland) Act Continuance; County Cess (Ireland) Act Continuance; Local Government Act Amendment; Locomotives; Tramways (Scotland); East India (Civil Service); Irremoveable Poor; Crown Suits Limitation; East India Council, &c.; County Surveyors, &c. (Ireland); Public Works (Ireland) (Advances and Repayments of Monies); Attornies and Solicitors (Ireland); White Herring Fishery (Scotland); Turnpike Acts Continuance; Ordnance Survey Continuance; Criminal Proceedings Oath Relief.

BANKRUPTCY AND INSOLVENCY BILL.

Returned from the Commons, with the Amendments made by the Lords (to which the Commons had disagreed, and on which the Lords have insisted) not insisted upon, and with consequential Amendments to the original Bill:

The said Amendments to be considered *To-morrow.*

GARDENS IN TOWNS PROTECTION BILL.

BILL PRESENTED. FIRST READING.

Lord REDESDALE said, that some time ago he had called their Lordships' attention to the present state of Leicester Square Garden. Since then he had learned that "the Great Globe" was about to be removed, and there was a disposition to restore the Square to its former condition; but it appeared there were grave doubts as to what the law was on this subject, or what were the rights of the proprietors. There were powers in the Metropolis Local Management Act to preserve all open spaces; but there was some doubt whether these powers extended to the restoration of this Square to its former condition, though it had been a garden for more than a century. In order that it might not be supposed that he had lost sight of the subject, he begged now to lay on their Lordships' table a Bill for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs.

Bill,—That Gardens in Squares, &c., of Fifty Years standing may be freed from Neglect, Encroachments, &c. and vested in a Committee of Rated Inhabitants, or if such decline, in the Metropolitan Board of Works or Corporate Authority,—*presented,* and read 1ª.

LACE FACTORIES BILL.

SECOND READING.

The Duke of NEWCASTLE said, that he rose to move the second reading of this Bill, not only as a member of the Government, but as being closely connected with the district to which the Bill principally applied. He was the more anxious to do this because he wanted to explain the effect of certain alterations that had been made in the Bill during its progress through the other House, and by which its clauses, as agreed to between the masters and workmen, had been changed. Indeed, it had been said in the other House that the master manufacturers were opposed to this Bill, and had done all in their power to prevent its passing. He could assure the House that this allegation was wholly unfounded; and in support of that he could appeal to his noble Friend opposite (the Earl of Shaftesbury) whether, when he called attention to the subject some fifteen or sixteen months ago, he (the Duke of Newcastle) did not rise in his place and state that the master manufacturers were quite willing that there should be legislation on the subject, and were also agreed on the main provisions of the Bill. It was, moreover, said that the Bill was not in conformity with the suggestions of Mr. Tremenheere, and it was added, though somewhat inconsistently with the other report, that Mr. Tremenheere allowed himself to be unduly influenced by the master manufacturers. These charges were also wholly unfounded. Mr. Tremenheere cordially approved of the present Bill, and he might again appeal to his noble Friend opposite whether Mr. Tremenheere, whose valuable services for the last twenty years were acknowledged by all parties, was capable of being unduly influenced by either one side or the other. The alterations of importance made in the Bill in its passage through the other House were two:—The first was the alteration of the age at which young persons might begin to work from eleven to thirteen. The other alteration referred to the meal hours. The plan of the masters was that the workpeople should take their meals at separate half-hours, so that the mills should not be stopped; but this was altered in the Commons to one and the same time of meals for all the workpeople, the effect of which would be that the mills would be entirely stopped. With regard to the first of these alterations it was thought that it would act prejudicially, inasmuch as the masters might refuse to employ young persons at all, and a joint committee of masters and workmen had agreed to split the difference, and fix the age at twelve. It was hoped the committee of workmen would have agreed to a plan for dividing the workpeople into two parties, and to make their half hours of meal time to dovetail into each other, so that one should come into work as the other left; but for some reason or another the workmen were unwilling to adopt this compromise, and they were placed in this position, that they must either attempt to carry this Bill against the wishes of the workmen, or drop the Bill entirely. He was now moving the second reading on a Thursday, and the prorogation would take place on Tuesday next; so that they had only two days to sit and and transact business, and any difference of opinion between the two Houses would therefore ensure the loss of the Bill. The masters had a fair ground for requesting that the Bill might be dropped, inasmuch as they believed that the clause would work injuriously both for masters and men; but within the last hour he had received a communication from a deputation who represented the masters, in which they stated that as the dropping of the Bill would be a great disappointment to the working classes, especially to the women and children, they would rather encounter all the evils they anticipated from the operation of this clause than allow it to be dropped. He trusted that, should future Amendments be required in this matter, their Lordships would bear in mind the period of the Session in which this Bill had been passed and the conduct of the masters in assenting to what they thought might prove inexpedient, and would not refuse to give a fair consideration to any representations that might be made. The noble Duke then moved that the Bill be now read the second time.

THE EARL OF SHAFTESBURY stated, that he had been received with the greatest courtesy in Nottingham; was shown over the mills with the utmost freedom, and encountered no impediment in procuring any information which he wished to obtain. He honestly believed that the manufacturers were anxious to promote the welfare of those dependent upon them. He trusted they would be met in a corresponding spirit, and should any difficulties arise the Houses of Parliament would not object, he felt assured, to make any alterations which were felt to be necessary.

Motion *agreed to.*

Bill read 2ª, and *committed* to a Committee of the Whole House *To-morrow.*

The Duke of Newcastle

ACCESSORIES AND ABETTORS BILL. THE CRIMINAL LAW BILLS.

COMMITTEE.

Accessories and Abettors Bill; Criminal Statutes Repeal Bill; Larceny, &c. Bill; Malicious Injuries to Property Bill; Forgery Bill; Coinage Offences Bill; Offences against the Person Bill.

House in Committee (according to Order).

Bills *reported,* without Amendments; and to be read 3ª *To-morrow.*

PUBLIC OFFICES SITE BILL.

COMMITTEE.

House in Committee (according to Order).

LORD REDESDALE said, that although he knew the House of Commons had a great objection to vote money for the prospective purpose of acquiring land, still he thought it was very desirable that the Government should, early next Session, take power to acquire the land upon the other side of Charles Street, and also in that part of King Street which would be required for the new offices, for Charles Street was about being widened, and if this took place there would be new buildings erected, which would cost the public to purchase five times as much as the houses which were now there.

LORD STANLEY OF ALDERLEY said, there was great force in the observations of the noble Lord, and the Government would certainly take the matter into consideration.

Bill *reported,* without Amendment.

WINDSOR SUSPENDED CANONRIES BILL.—COMMITTEE.

House in Committee (according to Order).

Clause 2, (Appropriation of Profits of Eighth Canonry to Churches),

THE EARL OF CHICHESTER said, the Bill would accomplish two very desirable objects—it would increase the inadequate stipends of the Military Knights of Windsor, and augment two livings in the town of Windsor. With regard to the first object, the claim of the Knights was resisted by the Dean and Chapter, and the decision of the Master of the Rolls in favour of the Dean and Chapter was, on appeal, confirmed by their Lordships. Several thousand pounds had been expended by the Dean and Chapter in costs, and he thought some provision ought to be inserted in the Bill by which they might be reimbursed that outlay. With regard to the second object—although no one could be more glad than he was to have two poor livings increased—yet, as a trustee of the Common Fund for the augmentation of poor livings generally, he was bound to object to the recognition of a different principle by this Bill. It was contrary to the spirit of past legislation, and was opposed by all the Members of the Ecclesiastical Commission who had seats in the House of Commons.

Lord KINGSDOWN said, that although on the question of law the Dean and Chapter of Windsor were right, there never was a case of greater hardship than that of the Military Knights of Windsor.

The Earl of ST. GERMANS thought that the claims of the parishes from which the tithes were derived ought to be first considered.

The Bishop of LONDON said, the Bill introduced no new principle. It might be a somewhat novel application of Church property, but it would be establishing a precedent which he should not be sorry to see followed in other cases, for he regretted that at the passing of the Cathedral Reform Act the interests of the inferior members of the cathedral establishments had been somewhat neglected.

The LORD CHANCELLOR said, that the Master of the Rolls and their Lordships' House had decided that no costs should be allowed, and to provide for the repayment of their costs to the Dean and Chapter would be in fact to override the judgment of two competent tribunals by force of an Act of Parliament.

The Earl of HARROWBY moved the omission of the Clause.

On Question, their Lordships *divided*:—Contents 25; Not-contents 10: Majority 15.

Clause *agreed to*; Bill *reported* without Amendments.

Amendments made; and Bill to be read 3ª *To-morrow*.

NEWSPAPERS, &c., BILL.

Lord REDESDALE said, a noble Lord opposite (Lord Stratheden) had given notice for to-morrow of the second reading of this Bill. It was one upon which the House had already expressed an opinion and which had been rejected by their Lordships, and it was out of the question that they should be called upon to discuss it again at this late period of the Session.

Lord STRATHEDEN was not aware that the forms of that House permitted a discussion on a Bill the day before that on which it stood for a second reading, and did not join issue now with the noble Lord the Chairman of Committees on points where he entirely differed from the noble Lord in the assertions he had hazarded. As regards his intentions on the Bill, having given notice for to-morrow, he should state them at that time.

House adjourned at Seven o'clock,
till to-morow, Eleven o'clock.

HOUSE OF COMMONS,

Thursday, August 1, 1861.

Minutes.]—New Members Sworn.—For Morpeth, right hon. Sir George Grey, baronet, G.C.B.; for London, Western Wood, esquire; for Tamworth, right hon. Sir Robert Peel, baronet; for Andover, Henry Beaumont Coles, esquire.

Public Bills.—2° Probates and Letters of Administration Act (Ireland) Amendment.

3° Officers of Reserve (Royal Navy).

THE IRON-CASED SHIP *DEFENCE.*
QUESTION.

Mr. HENNESSY said, he rose to ask the junior Lord of the Admiralty, Whether it is true that the iron-cased ship *Defence* is being built under the superintendence of Mr. Lewcock, the Admiralty Inspector, who on the 4th March last reported to the Admiralty that the steamer *Hibernia* was "in every respect fit to be employed for the conveyance of the Mails between Galway and the United States, in accordance with the Contract with the Atlantic Royal Mail Steam Navigation Company."

Mr. WHITBREAD said, it was true that the *Defence* was being built under the inspection of Mr. Lewcock, but the works were also looked after by his superior officer, Mr. Watts.

SUEZ CANAL.—QUESTION.

Mr. DARBY GRIFFITH said, that he would beg to ask the First Lord of the Treasury, Whether accounts have been received from the Consul General in Egypt giving the assurance that no Forced Labour is being employed or will be employed on the works of the Suez Canal?

Viscount PALMERSTON said, a Report had very recently been received from the Consul General, who had made a tour along the line of the intended canal, and it appeared that a considerable number of labourers were compelled to work on the canal; that they were very liberally paid by the Company, but that they had been brought to the spot without their wishes having been very much consulted.

MAYNOOTH COLLEGE.

QUESTION.

Mr. WHALLEY, in whose name a Question stood on the Paper as to when the Returns ordered by the House on the 18th of May last relative to Maynooth would be presented, said he had received a communication from the late Secretary for Ireland assigning reasons why, in consequence of some irregularity, those Returns could not be made. He, therefore, wished to express his readiness to concur in any alteration in the Motion made for them which would obviate the objection thus raised.

Sir ROBERT PEEL said, it had been deemed desirable that the Returns should not be produced in accordance with the words in which the Motion for them was couched. These words assumed that certain documents were signed by the Roman Catholic Bishops in Ireland, whereas there was no proof that such was the case. The publication of the Returns might, therefore, tend to implicate those Prelates in a breach of the Ecclesiastical Titles Act.

Mr. WHALLEY: Will the hon. Baronet propose any words he may desire to see substituted for others in the Motion?

THE MONUMENT AND THE DUKE OF YORK'S COLUMN.—QUESTION.

Mr. CAVENDISH BENTINCK said, he wished to ask the First Commissioner of Works, Whether the Board of Works can obtain leave to remove the Iron Cages which are at present placed upon the respective summits of the Monument and the Duke of York's Column; and, if so, whether such Cages might not be replaced by some other protection against accidents?

Mr. COWPER said, that like the hon. Gentleman, he regretted the disfigurement of the Duke of York's Column by the cage which was at present at the top of it. He found that it had been placed there by the Trustees, who represented the subscribers to the work, in consequence of the suicide of an unfortunate musician who had thrown himself from the top of the column. Those Trustees were willing to substitute for the cage any other device that would be effectual for the object they had in view; but he did not at that moment see what other expedient could be adopted for that purpose.

CASE OF THOMAS CARTER.

EXPLANATION.

Sir GEORGE LEWIS said, that he had yesterday read to the House a letter from the Magistrate by whom Thomas Carter had been committed to prison, explaining the grounds of that committal. He had since received a copy of the evidence on which the conviction was founded, and it seemed to him that the depositions of the witnesses were so meagre that the imprisonment which Carter had undergone was sufficient to meet the justice of the case, and he had, therefore, given directions to have him discharged.

SUPPLY OF PROVISIONS TO THE NAVY.

QUESTION.

Sir GEORGE BOWYER said, he wished to ask the Secretary to the Admiralty, Whether the attention of the Board has been directed to the fact that considerable inconvenience may arise if, in the present condition of the United States, we are to continue to depend on that country for our supply of beef for the use of the navy?

Lord CLARENCE PAGET: We now cure our own beef, and we have no contract on the subject with any foreign country.

MAYNOOTH COLLEGE.

RETURNS MOVED FOR.

Mr. WHALLEY moved that the Order for the Returns relative to Maynooth College should be discharged. He intended, he said, to renew it in another form.

Lord FERMOY said, that before the Question was put, he wished to know what were the intentions of the Government with respect to the Ecclesiastical Titles Act. The Chief Secretary had intimated on a former occasion that there was an intention on the part of the Irish Government to carry out that Act. The people of Ireland, and of England also, would like to have some information upon that point.

Mr. SPEAKER said, that the Question before the House was simply one for the discharge of an unopposed Motion. It was, therefore, hardly matter for debate.

MR. HENNESSY explained, that, although the Motion was unopposed by the Government, he had intimated to the hon. Member for Peterborough that he intended to oppose it. He submitted that before the Order was discharged it should be read to the House.

MR. SPEAKER understood that the hon. Member for Peterborough wished to withdraw his Motion for the Returns with a view of proposing it in an amended form. When the Government had no objection to a Motion for Returns it was usual to regard it as unopposed.

MR. WHALLEY said, that, in order to avoid discussion at the present moment, he was desirous to withdraw his Motion, with the view of postponing it till next Session.

MR. CARDWELL remarked, that it was necessary to discharge the Order for the Returns on account of an irregularity. The Order implied that an offence had been committed which that House did not know, and which the parties by whom the Returns were to be made were bound not to admit as a fact until it was proved to be so. It was necessary, therefore, that the Motion should be discharged, in order that the information might be given in a manner conformable to the rules and regulations of the House.

LORD FERMOY gave notice that he should at a future sitting ask what were the intentions of the Government relative to the Ecclesiastical Titles Act.

VISCOUNT PALMERSTON was prepared to answer that question at once. It was not the intention of the Government to propose any alteration in the law, and if cases occurred they would be dealt with as circumstances might seem to warrant.

MR. WHALLEY remarked, that the hon. Member for the King's County might, perhaps, remove the difficulty about the Returns by admitting on the part of the Roman Catholic prelates that they had appended their territorial titles to their names.

Order *discharged.*

PAROCHIAL AND BURGH SCHOOLS (SCOTLAND) (No. 2) BILL.

LORDS' AMENDMENTS.

THE LORD ADVOCATE explained, that the reason why the Bill had been introduced so late in the Session was in order to enable the General Assembly to consider the measure. When the schoolmasters applied to him to bring the subject forward, he stated that having twice attempted to carry a Bill without success he would not again take up the question unless he had reason to expect that the Bill would be favourably received, not only in that House but elsewhere. It was not until after the Easter recess that he had reason to think that that expectation would be fulfilled. He had only to say, that it was with great gratification he found that at least they were about to settle this controversy which had been pending for twenty years. He could not but congratulate the House that at length justice was about to be done to a most meritorious class of persons.

MR. ADAM desired to enter his protest against that Amendment made by the Lords which substituted three Professors of Divinity instead of two, and thus gave to the Established Church equal power with the laity in the examination of schoolmasters. The result would be that none but members of the Established Church would be admitted. He trusted that next Session some improvement in that point would be made.

MR. HOPE trusted that all parties in Scotland would work harmoniously together to carry the measure into effect.

Amendments *agreed to.*

OFFICERS OF RESERVE (ROYAL NAVY) BILL.—THIRD READING.

Order for third Reading read.

LORD CLARENCE PAGET moved the Order of the Day for the third reading of this Bill.

MR. LINDSAY said, that not having been present when this Bill was discussed, he wished to say a few words. He thought it a valuable measure, and one which on various grounds ought to receive the sanction of the House; but much must, of course, depend on the regulations by which it would be carried into effect. As chairman of the meeting of officers of the mercantile marine held some weeks ago at the London Tavern, he had been deputed to wait on the Duke of Somerset, in order to acquaint his Grace with the resolutions to which they had come. It was but justice to say that the Duke of Somerset and the noble Lord the Secretary of the Admiralty had gone as far as practicable in meeting the objections which the officers of the merchant service entertained to the scheme. He, therefore, trusted the officers of the merchant service would have no hesitation in coming forward and entering themselves, as patriotic men, in this Reserve; and if they did so there would, he was sure, be no difficulty about the Reserve of 30,000 men recommended to be raised. At the same time, he thought his noble Friend had not been sufficiently explicit on one subject—he meant the difficult and delicate point of rank. Within the last ten years, since the passing of the Mercantile Marine Act, the officers of the mercantile service had greatly improved in character. They had to pass an examination in seamanship and navigation quite as strict as the officers of the Royal Navy had to undergo; and it would not be agreeable to them to serve under junior officers of the navy, who in comparison with themselves might be mere boys. That difficulty might perhaps be met in this way:—The officers of Reserve could only be called out on emergencies. On such occasions there would, no doubt, be a great number of small gun and despatch boats employed, and the Admiralty might place those officers as lieutenants in command of them. These officers were willing—nay, anxious, to enter the Reserve force even at a considerable pecuniary sacrifice; but they desired that their position in the Reserve should not be inferior to that which they now occupied. He hoped the noble Lord would say a few words on this occasion to encourage these officers to join the Reserve. He could testify to the best feeling existing between the officers of the two services, and he hoped immediately the regulations were issued it would be found the full complement of officers had entered, to be followed by the full number of seamen. Having said so much on this Bill, he might be allowed to say a few words in regard to the naval armament. At the commencement of the Session he had made a statement on the authority of the French Minister of Marine in regard to the armaments in that country, and every means had been placed at his disposal to enable him to ascertain whether the figures were accurate. He had himself received an invitation to visit the dockyards of France, and, although he was unable to avail himself of that invitation, a competent gentleman had been despatched under his direction to make a thorough inspection of the French dockyards. The result of that gentleman's observations entirely confirmed the accuracy of the figures which he had himself submitted to the House on the subject. During the Easter recess his hon. Friend the Member for Glasgow (Mr. Dalglish) and another hon. Member also visited the French dockyards, and orders were granted by the French Minister of Marine to facilitate their inspection of everything to be found there. They made an inspection accordingly; and they, likewise, confirmed everything which he had said to the House in regard to the then naval armaments of France. He mentioned this because some remarks that he had made the other night had evidently been misunderstood across the Channel. It has been stated, however, that of late a great movement had been made in the number of iron-cased ships about to be built, or building by France. It was difficult to put faith in the statements made on this point the other night by the noble Lord at the head of the Government and by the noble Lord the Secretary to the Admiralty; but if those statements were correct, then, considering the extent of our property afloat and on shore, and considering also the vast extent of our seaboard both at home and in our colonies, there was no other course left to England but to go on building those iron ships for which the Votes had been taken. The necessities of our position required that if France had twenty of those ships this country must, he was sorry to say, have thirty. But while he said that he nevertheless could not doubt the friendly intentions of France towards England; because the Emperor knew it to be his own interest to maintain amicable relations with us. From the conversations which he had had with the Ministers of France, as well as with the Emperor himself, he believed the French Government were willing to come to some understanding with this country as to the relative strength of the armaments to be kept up by the two Powers. On the part of the people of France he thought a similar desire existed, and he, therefore, earnestly hoped that Her Majesty's Government would during the approaching recess use their best endeavours to carry out such an understanding.

Mr. STANILAND appealed to the Government, before the Session closed, to inform the House and the country whether there was the slightest chance of any such arrangement being concluded between the two Governments as that to which the hon.

Member for Sunderland had referred. If it were possible—even though it might be most improbable—that such an arrangement could be come to, it was due to the people of England, on whom the enormous cost of these armaments would fall, that the attempt should be made. France and England seemed, by a process of financial exhaustion, to be trying to discover which could expend most money in increasing its armaments. There was nothing to justify the course which France was pursuing in this respect. It was only due to the taxpayers of this country, who were ready to bear every needful burden for the national defence, that they should learn from Her Majesty's Government whether any attempt had already been or would still be made with a view to bring about some limitation of the ruinous rivalry now going on between the two countries.

LORD CLARENCE PAGET only wished to say, in answer to the remarks of the hon. Member for Sunderland as to the comparative armaments of France and England, that the statements which his noble Friend and himself made the other day had reference to a totally different period from that to which the hon. Member had alluded when he gave the House the information that he had obtained regarding the French dockyards. The hon. Member for Sunderland, as he understood him, had caused certain parties to go and inspect the French dockyards. Now, the Government were perfectly aware that early during the present year there was no considerable progress making in those ten additional iron-cased ships. But since that date an order had been given to all the French dockyards to proceed with those ships; and the statement made by his noble Friend had reference to that circumstance. In regard to the matter really before the House—namely, the third reading of the Officers of the Naval Reserve Bill, he must say he did not think his hon. Friend had done justice to his remarks concerning those officers the other evening. He had distinctly stated that he was quite sure the Admiralty would consult the feelings of the senior officers and old captains of the merchant service who entered the Naval Reserve, and that if they should be called upon in time of war it would be the duty of the Admiralty, as far as possible, to avoid putting them in a situation that would be derogatory to their professional standing or character. He was sure that no Board of Admiralty would ever think of offering any affront to those officers. On the contrary, the desire would be to place them in an honourable position if ever they should be called upon for active service. It was impossible for him now to make a prospective arrangement as to what should take place in the unfortunate event of a war. He could only say that the Admiralty accepted the services of these gentlemen with the highest possible gratification. He hoped and believed that they would come forward in great numbers to serve their country as the rest of their countrymen had done, and he would earnestly beseech them, as he would beseech his own brother officers, to cast aside all the ancient antagonism and jealousy which had, unhappily, prevailed. He trusted that there would be a general desire for mutual conciliation on the part of the navy and the merchant service, and he was confident that these officers of the Reserve would be cordially welcomed into the service.

MR. WHITE wished to draw a moral from the remarks of the noble Lord the Secretary to the Admiralty. The noble Lord said that when the hon. Member for Sunderland sent a special agent to France to ascertain the amount of naval preparations going on there, the progress then described as being made in the French dockyards was correct; but that since then, or three months afterwards, a vast augmentation in those preparations had taken place. Would it not be reasonable to infer that the magnitude of our preparations had provoked the increased activity of France? What was the use of the boasted friendship and alliance between the two countries if things were to go on as at present? When was the rivalry to cease, and could not some understanding be come to between the two countries to put an end to a state of things which sooner or later must lead to a collision?

VISCOUNT PALMERSTON: My hon. Friend has drawn a conclusion which is not warranted by the facts nor by the statement of my noble Friend. He infers that because the active execution of these new ships had not begun when the inquiries of the hon. Member for Sunderland were made, therefore, the subsequent commencement of these ships was owing to our preparations. Now, in point of fact, we had made no preparations, because the orders which have been issued for casing some wooden ships, and for commencing the construction of some iron vessels, are very recent and subsequent to what the French Government has done, and are founded upon what that Government has done. But the real history of the case is this, as I said the other evening:—In December last the French Government took a resolution to construct ten iron ships in addition to the six which were known to us before. They had doubts as the proper mode of construction, and those doubts were to be solved by experiments which were to be made by the *Gloire*, which was afloat. They remained from that time until May in suspense, and it was not until May that, having settled certain doubtful points which were not settled before, and which were only decided by the cruise of the *Gloire*, orders were given actively to proceed with these ten armed ships. The keels were then laid down, and proceedings commenced. And, therefore, as my noble Friend said, the investigation made by the hon. Member for Sunderland took place at a time when the order had been determined upon, but not actually given to the dockyards, and anybody going to the dockyards then would see nothing, because there was nothing to see. The statements made by my noble Friend and myself at a later period referred to the actual commencement of these ships. Now, as to the other question—one of great importance—whether the British Government could not enter into communication with any foreign Government—for it must not be confined to France—but with any foreign Government, with a view to impose a limit upon the respective naval forces of the two countries, that is a more important question, of great difficulty, and open to much criticism. I think that, although at the first blush it appears to be a practicable thing, I think that any British Government would long pause and hesitate before it entered into any agreement with foreign countries limiting the amount of force, naval or military, which this country ought to maintain. We should judge of that amount according to the circumstances of the moment. Any agreement must be with several foreign Powers; because it is not France alone that is a naval Power. There are Russia, the United States, Spain—which is growing in importance—and other States which have navies, and, therefore, any limitation of our own force must be made with a view not only to the naval power of France, but to any possible combination of other Powers. Such an arrangement would, I think, lead to interminable doubts and disputes. We must have officers watching them, and they must have officers watching us; there would be doubts and suspicions of bad faith, and, instead of laying the foundations of peace, we should, I fear, be sowing the seeds of future interminable dissensions.

Bill read 3° and *passed.*

On Motion for the Adjournment of the House,

EDUCATION—ROMAN CATHOLIC SCHOOLS.—OBSERVATIONS.

MR. NEWDEGATE said, the hon. Member for Peterborough (Mr. Whalley), who was not present at that moment in the House, had given notice to call attention to the Report of the Committee of Council on Education (1860 and 1861, p. 195), so far as respects the Reports of the Roman Catholic Inspectors on Roman Catholic schools, receiving grants of public money, and to ask why the Reports of certain Inspectors—namely, Mr. Morrell and Mr. Marshall—have been omitted from the Reports presented to Parliament, and to move for the production of such Reports. Before alluding to that subject he wished to ask whether some questions had not been addressed to the Committee of Council on Education respecting the system of grants to the British schools in Wales, and whether anything had been done, the effect of which was to place these schools in a better position for receiving assistance from the Education Board than the schools of the National Society, and whether due securities were taken for the communication of religious instruction in these schools? He wished to call the attention of the House to some of the statements in Report of the one—the only Inspectors'—which had been laid before them; statements referring to the imperfect manner in which the accounts were kept in the Roman Catholic schools under his inspection. The Inspector stated that in several of the Roman Catholic schools, for instance, those of Hammersmith and St Leonard's-on-Sea, both of which schools were connected with convents, there were really no proper accounts whatever kept; and that there was nothing to show that the grants voted for the purposes of those schools had not been devoted to quite different objects. He (Mr. Newdegate) would not enter into the details of this Report, but would merely confine himself to its general effect. In reference to

Hammersmith, the Inspector stated that the accounts presented to him there were made up in accordance with no known system of account, and with respect to St. Leonard's-on-Sea that the expenses for the maintenance of the schools were mixed up with expenses of various other kinds, so that it was impossible for him to give an assurance to the Committee of Education that those accounts fairly represented the expenditure of the public money upon education. Those facts he (Mr. Newdegate) thought quite sufficient to make the House desirous of obtaining the Reports of the other Inspectors of Roman Catholic schools; and to create considerable uneasiness as to the mode in which the public money given for a special purpose had been appropriated. He begged pardon of the hon. Member for Peterborough (Mr. Whalley), whom he now saw in the House, for having anticipated his question of which he had given notice. He, like the hon. Member, was anxious that the House should have some clear account of the expenditure of this money, and he, therefore, wished to know why the Reports of the other two Inspectors had not been laid before them?

MR. WHALLEY then rose, pursuant to notice, to call attention to the Report of the Committee of Council on Education for 1860 and 1861, so far as the same had reference to the reports of the Roman Catholic inspectors on Roman Catholic schools receiving grants of public money. He also desired to ascertain why the reports of Mr. Morrell and Mr. Marshall, Inspectors, had been omitted from the reports presented to Parliament, and to move for the production of such reports?

MR. SPEAKER said, the hon. Member was not in order in introducing this subject upon the Motion for the adjournment of the House, after having allowed the Motion to which he referred to be passed over without expressing an opinion upon it.

MR. WHALLEY appealed to the noble Lord at the head of the Government to permit him to proceed. He had merely gone to the library for a few moments, and during his absence the Motion for adjournment was made. It was understood that the return would be granted, and was only delayed in consequence of the absence of the Vice-President of the Committee of Council. It was really a matter of very great importance, and he could speak on the Motion for adjournment. In the Report there was no satisfactory account of the application of the money. Instead of being applied to the purposes of education, it was palpably and plainly applied to the erection of chapels and churches. ("Order, order.")

MR. SPEAKER again interposed.

MR. WHALLEY: Really I am very hardly dealt with.

MR. NEWDEGATE hoped that the right hon. Gentleman the Vice President of the Board of Education would favour him with an answer to his question.

MR. LOWE said, that the Questions referred to the management of Dissenting schools, and were abstract questions, intended to give rise to controversy. As the Education Committee had a great deal of business to attend to, which they could hardly overtake, they declined to be drawn into an abstract discussion by a member of one sect as to the mode in which they dealt with another sect. If they did this the Privy Council Education Committee would be the battle-field of rival sects, and much ill-will would be stirred up. His hon. Friend (Mr. Whalley) a short time ago complained that a report by Mr. Morrell, one of the Inspectors, contained some improper expressions. He concurred in this opinion, and told his hon. Friend the matter should not occur again. He was not altogether satisfied with Mr. Morrell's report this year, and he thought it better not to print it all at the public expense. Last year his hon. Friend was angry with him because he had printed Mr. Morrell's report while this year he was angry with him for not printing it. It was desirable to keep some moderation in these reports. Every Inspector of schools made two reports, one a tabulated report of the number and state of the schools in his district, and the other a general report, which ought to be confined to the state of his schools and practical suggestions for their amendment. When expressions were used which he did not approve, or when irrelevant matter was introduced, it was his duty to send the reports back to the Inspectors. He could not omit passages, or make alterations, without being charged with garbling, so that when the reports were returned to him unaltered, or still containing objectionable matter, he made it a rule to suppress them altogether. If, however, hon. Members move for the production of Returns which he had thought it undesirable to print with the others, it would be offering a premium for objectionable reports.

Mr. HENNESSY quite approved of the course pursued by the Privy Council in suppressing the irrelevant reports. Indeed, he would go so far as to say that the tabulated reports contained the only information which was useful or interesting to the public, and that the general reports were made only for the information of the Department, and ought not to be printed at the public expense. None of the Inspectors were Roman Catholics.

Motion *agreed to.*

House adjourned at a quarter after Six o'clock.

HOUSE OF LORDS,

Friday, August 2, 1861,

MINUTES.] — PUBLIC BILLS.—1^a Revision of the Statute.

2^a Consolidated Fund (Appropriation); East India Loan (No. 2); Militia Pay; Militia Ballots Suspension; Wills and Domicile of British Subjects Abroad, &c.; Corrupt Practices Prevention Act (1854) Continuance; Landed Estates (Ireland) Act (1858) Amendment; Metropolitan Police District Receiver; Parochial Offices; Volunteers Tolls Exemption (No. 2); Treasury Chest Fund.

3^a Appropriation of Seats (Sudbury and Saint Albans); Trustees (Scotland); Conjugal Rights (Scotland); Municipal Corporations Act Amendment; Removal of Irish Poor; Public Works (Ireland); Windsor Suspended Canonries; Accessories and Abettors; Criminal Statutes Repeal; Larceny, &c.; Malicious Injuries to Property; Forgery; Coinage Offences; Offences against the Person; Public Works and Harbours; Lord Clerk Register Salary Abolition; Durham University; Metropolitan Building Act Amendment; Drainage of Land; Public Offices Site; Pensions, British Forces (India); Edinburgh University; Inland Revenue; Stamp Duties on Probates, &c.; Revenue Departments Accounts.

REVISION OF THE STATUTES BILL.

BILL PRESENTED. FIRST READING.

The LORD CHANCELLOR, in presenting a Bill for the Revision of the Statutes from the Commencement to the End of the Reign of Edward the Third, said, their Lordships were aware that some time antecedent to the year 1859 a Commission was issued for the purpose of consolidating the statute law. He could not say that the proceedings of that Commission had met with general approbation, or that they had done much to accomplish their object. The Commission was not renewed in 1859, in consequence of an adverse vote of the House of Commons, and when the present Government came into office it was necessary to consider what steps should be taken in the circumstances. It appeared to the late Lord Chancellor and to himself that the proper course was to ascertain what the statute law really consisted of, before they proceeded to the introduction of any consolidating measure. They determined, therefore, to appoint certain gentlemen of great ability and industry to proceed with a revision of the statute law. These gentlemen had already proceeded in the task with a revision of the statute book from the beginning of the reign of George III. down to the present time, and a Bill, embodying the results of that revision was passed in their Lordships' House early in the present Session; and, having also passed through the other House, was now again before their Lordships. The statutes thus swept out of the statute book had become unnecessary from various causes. Many of them had been expressly repealed. Others had fallen into desuetude from the circumstance that there was no longer any subject matter on which they could operate. There was another class of statutes which were repealed in general terms—that was to say, subsequent enactments had declared that all preceding enactments inconsistent with the provisions there enacted were repealed; there were others which were in effect repealed because, although there were no words in subsequent enactments which specially or generally repealed them, yet they—those subsequent statutes—enacted what was inconsistent with and repugnant to the olden statutes. Other statutes were not repealed, but superseded by subsequent Acts introducing new modes of dealing with the matters. Other statutes referred to customs that had since passed away, and were, consequently, inoperative. All those classes of Bills were as completely superseded as if they had been actually repealed; but they could not be omitted from the statute book without an Act of Parliament, and that authority as to one portion of the statute book was given in the Bill which, as he said, passed their Lordships' House early in the Session. He wished, however, that the present Session should not pass without proceeding one step farther, and accordingly he had prepared a Bill, which he would now lay on their Lordships' Table in order that it might be maturely considered during the recess—a

Bill for revising the statutes from the earliest times to the end of the reign of Edward III. The Bill proceeded on the same principle of revision as that he had already described with regard to the statutes of George III. and downwards, and the effect of this measure, if it were sanctioned by Parliament, would be to reduce the present bulky volume containing these earlier statutes to one-tenth of its present size, and he anticipated, as this work went on, to reduce the volumes containing the statutes in a still greater degree.

Bill *presented,* and read 1^a.

MODENA.

Lord WODEHOUSE laid before the House "Despatches relating to the Affairs of the Duchy of Modena, from Her Majesty's Ministers accredited to the Courts of Central Italy, during the years 1855, 1856, 1857, and 1858, (pursuant to the Address of the 22nd July last.)

The Marquess of NORMANBY, who had given notice of a Motion for an Address to Her Majesty for Copies or Extracts of any Letters from Her Majesty's Consul Mr. Walton, as to the State of the Duchy of Massa-Carrara during the years 1855, 1856, 1857 and 1858, said he wished to explain to their Lordships the reason why it was not his intention to persevere with his Motion. When he asked for the production of his own Reports upon the events which passed in Modena during the four years to which the charges made against the ruler of that Duchy particularly referred, he did so because upon every occasion on which he had made a periodical visitation in Modena he had received from the Government authorities every information and every facility for ascertaining the true state of the Duchy. Therefore, if some of those accusations which had been made against the Duke of Modena were well founded he should himself have been culpable for not having noticed the facts in his Reports to Her Majesty's Government. His noble Friend had just presented those Reports; and he wished to state that, when he asked for further Reports from the Consul in the Duchy of Massa-Carrara, he did so because that particular Duchy had been the scene of crimes of unusual violence, owing to the action of secret societies and other political causes. He had, therefore, been anxious to have the Reports of that intelligent and impartial gentleman who had long represented Her Majesty's Government as Consul in that quarter. His noble Friend had, however, intimated that although there was no objection on public grounds to the production of these papers, yet that in the present state of that country their publication might, perhaps, lead to serious inconvenience, owing to the peculiar situation of the writer. Under all the circumstances it occurred to himself, also, that it would be more prudent not to press for the production of these papers, at least at present. After the first accusation which had been made against the Duke of Modena relating to the proceedings before the Commission of 1857, an appeal had been made to him (the Marquess of Normanby) by a gentleman connected with the whole of these proceedings, namely, the Judge Advocate, who had acted with singular humanity in the discharge of a painful duty, and that appeal made it desirable that the imputations which had been made in this matter should be removed by the testimony of the British agent, who was in that country at the time. He understood, however, that the friends and advisers of the Duke of Modena who had hitherto furnished him with the materials for defending that ruler had determined that the whole of the proofs should be made known to the British Government by the publication of the official documents. He was quite sure that the facts of the case would in that manner meet the public eye in a much more accessible form than through that strange and somewhat confused compilation which he had seen in the hands of some noble Lords opposite, and which he knew to have been the foundation of the charges that had been made in "another place." He was quite certain that the production of these official documents would show that Count Cavour had been a conspirator for the last twelve years, and would also disclose the means by which his conspiracy had been carried on. He would now merely conclude by withdrawing his Motion.

Lord WODEHOUSE said, that Mr. Walton was not in the position of a paid Consul, but was a very intelligent and respectable merchant residing at Carrara; and it had been thought by his noble Friend the Foreign Secretary that it would not be expedient to publish his confidential reports. He had communicated that fact to the noble Marquess, who he was glad to find, had come to the conclusion to withdraw his Motion.

Motion *withdrawn.*

INDIA.—PETITIONS.

LORD MONTEAGLE *presented* several petitions from Natives of Bengal, Behar, Orissa, Bombay, Madras, and Tanjore, respecting the operation of the income tax in India, and praying for the admission of Natives to the offices of Zillah Judge and Assistant Judge. The noble Lord was understood to urge upon the Government the necessity of the speedy production of the official documents relating to the finances of India, and said he wished to know whether the Government would lay on the table of the House the speech which Mr. Laing lately made in the Legislative Council of India, explanatory of his views respecting the finances of India. The similar statement made by the late Mr. Wilson, the predecessor to Mr. Laing, had been submitted to Parliament, and to render the present condition of India intelligible it was necessary that Mr. Laing's speech should be produced likewise. He also wished to know whether the reports of the moral and material progress of India would be laid upon the table according to the enactments of the Bill of 1853?

EARL DE GREY AND RIPON replied, that most of the objects which were sought by the petitioners had already, to a considerable extent, been anticipated by legislation suggested by Her Majesty's Government in the course of the present year. The noble Lord had asked two questions. First, he had asked for a copy of the speech of Mr. Laing to the Legislative Council of India. It was true that a similar speech of Mr. Wilson's had been laid before Parliament; but that was done because it was an essential part of the question which had arisen with regard to the conduct of Sir Charles Trevelyan. But he would submit whether it was a desirable practice to lay on the table of the Houses of Parliament speeches made in the Legislative Council of India. The whole of the financial information which the noble Lord sought for would be laid before the House in the shape of financial dispatches. As to the other question, whether the statements with regard to the moral and material progress of India would be laid on the table he might say that the papers containing the information had been presented within the time prescribed, and they had already been printed and circulated, and he held a copy in his hand. They contained a detailed report of all the acts which had been passed by the Indian Legislature during the year.

Lord Wodehouse

LORD MONTEAGLE said, the book did not contain all the documents he wanted; and if the papers had been presented within the time required by the law this was of little avail if an undue delay occurred in the printing. In this case the printing was not finished till August.

BANKRUPTCY AND INSOLVENCY BILL.

COMMONS' CONSEQUENTIAL AMENDMENTS.

THE LORD CHANCELLOR moved that the Commons' Consequential Amendments in this Bill be agreed to. As the Bill originally stood it was provided that the Lord Chancellor should, with the consent of the Chief Judge, make orders touching the forms of procedure of the Court; but of course the appointment of Chief Judge having been struck out of the Bill that provision fell to the ground. Their Lordships had suggested, that for the Chief Judge should be substituted the Lords Justices; but a further alteration had become necessary in consequence of the period at which the Bill came into operation, and for the Lord Justices the Commons had inserted "two of the Commissioners." This Bill had been to him a matter of deep anxiety, and it would now be his duty to endeavour so to frame and regulate the orders of the Court that the fullest scope and operation would be given to the measure, and that it might work as beneficially as possible.

LORD CHELMSFORD said, that the alterations and Amendments made in the Bill were only such as were absolutely necessary.

Amendments *considered* and *agreed to.*

NEWSPAPERS, &c., BILL.

SECOND READING. ORDER DISCHARGED.

LORD STRATHEDEN said, it would ill-become him, after having on the 29th of July endeavoured to insist on the necessity and policy of the Resolution to arrest Bills before that period, to urge upon the House at so late a day as this a controverted measure. It never once occurred to him to do so. He gave notice of the second reading that their Lordships might be made publicly aware of the fact that the other House of Parliament, without any opposition, had sent up a Bill to repeal the Act of 1819, which first imposed securities on publishers and printers; so that if a Bill of this kind next year came before them at an early time in the

Session, it might have whatever weight—he did not wish to over-estimate it—this previous sanction was entitled to confer upon it. And here he should sit down had it not been for a statement which fell last night from the noble Lord, the Chairman of Committees, that the judgment of the House had last year been given on the Bill. Such a statement would entirely mislead them. Last year a Bill on the subject of the press was introduced, but, so far from being identical with the Bill he now had charge of, it related in a great measure to an Act of 1799, which this Bill does not even touch. Unless the present Bill had been framed to meet various objections which last year were started, he (Lord Stratheden) would not have been connected with it. The division last year, besides, was never taken on the merits of the Bill which the House rejected. The Bill was brought forward with no explanatory argument, because no notice had been given to oppose it. It was not defended in reply, because those who viewed it with suspicion were still prepared to grant the second reading; until on a sudden after-thought, when he (Lord Stratheden) had set down, a noble and learned Lord resolved upon dividing. Having thus explained the object of the notice, he, with their permission, would withdraw it.

LORD CHELMSFORD complained of the way in which their Lordships were treated with respect to this measure. Although a similar Bill to this had been introduced into the other House of Parliament in every Session since 1859, it had never been discussed by the other House. The Bill of 1860 proposed to repeal three Acts of Parliament, and came up to that House in the latter part of July. He (Lord Chelmsford) having stated his objections to some of its provisions, moved the rejection of the measure. The result was the defeat of the Bill by a majority of 36 to 10, and amongst this majority were several of the Cabinet Ministers. So quietly had the Bill of the present Session been introduced into the other House and passed through all its stages, that he should not have known of its presence upon their Lordships' table had he not been informed of the fact by an anonymous correspondent, who signed himself "Amicus," and who pointed his attention to some of its provisions. Under these circumstances he thought it rather hard that the House of Commons, knowing that a similar measure had been decisively rejected by their Lordships last year, should have now sent up to them this Bill at this period of the Session

EARL GRANVILLE thought it rather hard upon the noble Lord (Lord Stratheden) that the noble and learned Lord should make an attack upon a Bill which, as far as the noble Lord was concerned, was dead and gone.

LORD STRATHEDEN assured his noble Friend, the President of the Council, that he would not imitate the example of the noble and learned Lord, who might, however, be excused as he had come up from the country, and was, no doubt, extremely disappointed at the withdrawal of the Bill he had intended to attack. If next year it was his (Lord Stratheden's) fortune to address their Lordships on the subject, he should then endeavour to reply to as many of the noble and learned Lord's remarks as he thought at all likely to influence the House.

Order of the Day for the Second Reading read and *discharged;* and Bill to be read 2^a on *this Day Month.*

WILLS AND DOMICILE OF BRITISH SUBJECTS ABROAD, &c., BILL.

SECOND READING.

THE LORD CHANCELLOR, in moving the second reading of this Bill, observed that the subject of domicile was a very difficult one. If a man died abroad and he retained his English domicile his property would be liable to legacy duty; whereas if he was domiciled in a foreign country it would not. The law of domicile had also a great deal to do with questions of marriage. There was no difficulty as to the rule of domicile; but there was often the very greatest difficulty in its application, for the moment a question arose as to a man's domicile it became necessary to inquire into everything that he had done and everything that he had said, in order to discover whether he had ever formed the intention of abandoning his country. The infliction upon parties litigant of the present law of evidence on the subject was very grievous; and for that it was the object of this Bill (which had already passed the House of Commons) to furnish a remedy. It provided, therefore, that no British subject resident abroad should be held to have changed his domicile unless he had declared his intention of doing so by an unmistakeable and public act. There was a similar provision with regard to foreigners resident in England. That

Dr. Corrigan—all gentlemen of high poportion of the Bill could not be carried into effect without the co-operation of the foreign Governments; but the success which had followed the International Copyright Act led him to hope that there would be no difficulty on that score. The Bill also contained a provision with regard to persons dying in a foreign country without friends. In such cases it gave power to the Consul of the nation to which he belonged to take out letters of administration and to act as his representative.

Bill read 2ª; Committee *negatived;* and Bill to be read 3ª on *Monday* next.

APPROPRIATION OF SEATS (SUDBURY AND ST. ALBANS) BILL.

Bill read 3ª.

Question put, "Whether this Bill, with the Amendments, shall pass?"

Resolved in the Affirmative.

Bill *passed.*

PROTEST.

Protest of Lord Campbell against the Third Reading of the Appropriation of Seats (Sudbury and Albans) Bill.

"Dissentient:—

"1. Because the Third Reading took place out of the Order in which the Bill stood upon the Notice Paper, at a Time when Public Business was not in any way expected, and not upon the Motion of the Minister in whose Name the Bill stood, thus making it impossible for Peers who wished to do so to take any Part on this final Stage.

"2. Because a formér Stage, *viz.*, the Second Reading, had been virtually annulled and moved *pro formâ* only at an Hour when by general Admission it was not possible to go into Debate, all Consideration of the Bill being thus reduced to the single Stage of going into Committee on the 29th *July*.

"3. Because a Resolution of the House has frequently declared, that at that Period important Measures cannot have the full deliberation which they merit.

"4. Because a Precedent has thus been formed for passing to the Statute Book a Measure of organic Change without the genuine and *bonâ fide* Sanction of the House of Lords; and if such organic Change as the Public Interest requires is now to be developed in a Series of Measures, and not included in a single Scheme, the Danger of such a Precedent being often followed is apparent.

"5. Because while the Bill has not had the *bonâ fide* Sanction of the House of Lords, so neither has it had that of either Party in the Commons, the Opposition and the Government in that House of Parliament having both declared in the Course of the Session that the vacant Seats ought to be otherwise distributed.

"6. Because so long as these Seats were vacant a notorious Defect in the Reform Act might eventualy be remedied, without increasing the Numbers of the House of Commons, the Defect in consequence of which since 1832 distinguished Public Men, against the Wishes of the Country, have been excluded from the Legislature, and which arises from the Want of a corrective Power in the State to return those whom the united Body of the Nation would have chosen, but who from local Circumstances have not been chosen by any of the Sections into which the Country at a General Election is divided.

"7. Because the Existence of such a Vice in the Reform Act is convincingly established by the Fact, that since 1832 Sir *William Molesworth*, Lord *Macaulay*, Lord *Carlisle*, Sir *Edward Lytton*, Mr. *Bright*, Mr. *Cobden*, Mr. *Milner Gibson*, the late Mr. *Bernal*, among others, have, after General Elections, been kept out of Parliament, while the Public could not be said in any of these Cases to have either caused or sanctioned the Exclusion.

"8. Because to form any System by which the casual Deficiences of a General Election might be afterwards removed, according to the Interest and Voice of the Community, the four vacant Seats, if not essential, were desirable, as the Space to build on; while they are now appropriated in a Manner which no Necessity dictated, which meets no popular Demand, which takes away no Public Inconvenience, and bestows no Kind of new advantage on the Empire.

"9. Because the Defect to some Remedy of which these Seats might have been devoted leads to serious Results beyond a palpable Anomaly. An Anomaly of this Kind occurs when a State, however firm in its Opinion that given Individuals ought to serve it in its Representative Assembly, has no Power to return them if they have been outvoted by a single local Body at a General Election, and that upon an Issue joined not of Merit, but of Party.

"10. Because before 1832 the State had the Power in question by a Medium it is not now desirable to call again into existence, the Opposition and the Government possessing at that Time the Means of bringing into Parliament distinguished Men whom the General Election had excluded by the Boroughs which each had at its Disposal. It is only, therefore, necessary that an important End which was gained for many Years by objectionable Means should be now secured by Means which are legitimate.

"11. Because, whatever Means are now resorted to to invest the State with this necessary Power since the vacant Seats have been appropriated, such Means can only be applied by increasing the Number of the House of Commons beyond a point which is generally felt to be excessive. In order, therefore, to remove One Evil in our representative Arrangements, it becomes essential in some degree to aggravate another, a Dilemma into which States may be forced by various Events, but which it is against the Rules of Policy to choose and to create by doubtful Legislation.

"12. Because among the Results of the Evil it has thus become more difficult to remedy, the State may be and has been in this Manner deprived of official Talent it requires, but which can only be exerted in conjunction with a Seat in Parliament. Beyond this, until the Country has the Power, after a General Election, of calling to its Representative Assembly those whom it deems erroneously excluded, Public Life must always be embraced with the Risk at any Moment of an arbitrary Exile, such as no other Career involves. It cannot, therefore, be embraced by Men whom Prudence governs, and whom the State would most desire to draw into its Service. In effect it is confined to the few whose Property or Family insure a permanent Connexion with a County or a Borough; and at every Change in the Reform Act these few are likely to become fewer.

"13. Because, apart from the Public Wrong these vacant Seats might have been devoted to removing, a Bill which increases the Number of the County at the Expense of the Borough Members, and forms Constituencies open to none but Persons locally connected with them, in place of Constituencies at which all Public Men might equally be Candidates, appears retrograde in Character, and ought not to have been passed without a greater Show of Argument to vindicate it.

"14. Because the Gift of Two Seats to the West Riding of *Yorkshire*, not to come into use until a Dissolution, is an uncalled for Sacrifice of the deliberative Freedom which might have otherwise employed them, and is no present Gain to the Locality it favours. The Right of Parliament to deal with these Two Seats without Fruit to any Interest or Place or Party is abandoned; and neither Precedent nor Policy imposed upon the Legislature the Duty of appropriating the Four Seats in One Measure, becoming vacant, as they did, at different Times, and under different Acts of Parliament.

"STRATHEDEN AND CAMPBELL."

House adjourned at a quarter before Seven o'clock, to Monday next, Two o'clock.

HOUSE OF COMMONS,

Friday, August 2, 1861.

AFFAIRS OF CHINA.—QUESTION.

COLONEL SYKES said, he rose to ask the First Lord of the Treasury, Whether any further Papers regarding affairs in China are to be given to Members?

VISCOUNT PALMERSTON said, that no additional papers with regard to China were in preparation at the Foreign Office, and he was not aware that any more were required.

On Motion that the House at its rising adjourn until Monday.

IRISH DISTRICT LUNATIC ASYLUMS.

OBSERVATIONS.

MR. BLAKE, in rising to call the attention of the Chief Secretary for Ireland to the want which existed in the Irish district lunatic asylums of sufficient necessary appliances for promoting the happiness and recovery of the insane, said, he desired to draw the attention of the right hon. Baronet to this subject with a view of inducing him, by personal inquiry, to satisfy himself as to whether the statement which he would make regarding the defects in the Irish asylums were correct or not; and besides, if the things he complained of were not remedied before next Session, he would, if nothing prevented him, take an early opportunity, after the assembling of Parliament, to again bring forward the subject. Up to about thirty years ago the places for the detention of the insane poor in Ireland—for they did not deserve the name of institutions—were, he believed, in as deplorable a state as those of the United Kingdom generally—lunatics being for the most part treated like, and incarcerated with, criminals. About that time, however, a much better state of things arose. District asylums were erected in various parts of the country, which in point of construction, management, and comfort, were far beyond anything of the kind which had previously existed. The arrangements made for the care, treatment, and recovery of the patients were also very superior, as compared with the old system, and quite as good in every respect as anything of the kind then in operation in the kingdom, and very great results for the happiness of the insane followed. But he was sorry to say that those institutions by no means kept pace with the advance made by others, to which he would presently allude, in certain important particulars for alleviating the condition and promoting the recovery of the insane. It was difficult to know to whom to attach most blame for this; but those holding the highest positions in the administration of the affairs of the country certainly deserved their share of censure; and this might be said of every successive Government, as they each helped more or less to perpetuate a state of things calling strongly for amendment. There was, however, one honourable exception in the right hon. Member for Stroud (Mr. Horsman). When that right hon. Gentleman was Chief Secretary he had sagacity enough to see that there was much in connection with the asylums calling for change, and he moved for, and obtained, a Royal Commission "to inquire into and report on the state of the asylums." The Commissioners consisted of Sir Thomas Redington, Robert Andrews, R. W. S. Lutwidge, James Wilkes, and sitions, experience, and intelligence. Their labours occupied more than a year, and the result was a very admirable Report, to one part of which he wished to direct the attention of the House—that in which the Commissioners recommended agreeable employment and recreation for those not disposed or able to take a part in agricultural labour. The hon. Member read the recommendations of the Report, and also passages from the reports of Dr. Hood, the Resident Physician of the Royal Hospital of Bethlehem, in which he advocates "those occupations for the insane which tend to divert the mind from its delusions, and which rouse and invigorate the healthy exercise of the reflective faculties." The patients had been permitted to visit many different public exhibitions—the National Gallery, the Crystal Palace, the Zoological Gardens, &c., with marked beneficial effect. Dr. Hood says—

> "If we can succeed in giving a patient the impression that we repose confidence in him—if we can make him sensible of the importance of his *parole d'honneur*, we are greatly improving his mental state; for the recovery of self-respect is often the first indication of impending cure. Hence we find the reports of many lunatic asylums attesting the advantages which patients derive from such excursions."

Acting on the principle of occupying the patients' minds by agreeable employment and suitable recreation, Dr. Hood left no means untried to interest them, and no better proof could be shown of the soundness of his views than the results which followed, for, whilst in other institutions 20 per cent of discharges on admissions was considered a very satisfactory result, the discharges on admissions at Bethlehem sometimes amounted to 68 per cent. Last year they were nearly 60, and yet the whole first cost of the various matters required in a large asylum for the indoor recreation and employment of the patients would not exceed £100. Dr Hood frequently sent his patients in walking parties about London, without any unpleasant results occurring, and with great benefit to the patients themselves, an idea that would be and had been ridiculed at some of the Irish asylums. The example of Bethlehem had been followed in some of the English county asylums with good effect. He could speak particularly of Derby, Gloucester, and Leicester, as it was best known to him. There, under the able manager, Dr. Buck, the very same state of things might be seen in operation; and though wages and provisions were higher, the cost of the patients was not more than £2 a head per annum over some of the Irish asylums; and, what was most singular, there was not a wall or sunk fence around the entire of the outer grounds to prevent the patients from escaping. But the reason was easily told. The place was divested, as much as possible, of a prison aspect, and for those not equal to or disposed for agricultural labour there were ample means of occupation and amusement—music, games, books, pictures, birds, pet animals, &c., &c.; and since these things were introduced the patients were manifestly quieter, happier, and recoveries greater. In describing these asylums he by no means meant to convey that they represented England generally — by no means—as he believed the Irish asylums, taken as a whole, were beyond the English ones; but there were in England a few far beyond the others, and better than anything in Ireland, and his object was to bring the latter up to the right standard. It was difficult to know who was to blame for their being so—whether the Government or the higher officials charged with their administration. Sufficient care had not been taken to make appointments from men who had previous experience of the treatment of insanity. For instance, take the inspectors of asylums. Dr. White, since deceased, was, no doubt, an able man well skilled in his profession; Dr. Nugent, who was private physician to Mr. O'Connell; and Dr. Hatchell, also eminent in his profession, were the first inspectors appointed; but not one of these, however eminent they might otherwise be, had any special knowledge of lunacy, or any especial experience in diseases of the mind. Now, he certainly thought that the Inspectors might have done much more than appeared to be done in the way of providing such occupations as he had spoken of for the patients' minds. Go into any county asylum in Ireland, after visiting Derby or Leicester, and the difference was very apparent in this respect. Let them take the instance of Waterford, with which he was best acquainted, and there they would find the patients not engaged in agricultural labour, shut up in yards, with walls so high that the poor lunatics had no prospect but the sky over their heads or the gravel under their feet; and when obliged to remain within doors they were huddled together in day-rooms, such as those described in the Report of the Royal Commission, without having anything to interest them, and the consequence was you would see more real signs of insanity in a room containing twenty patients than all over the Leicester asylum, with its nearly 400; and yet he had no hesitation in saying that Waterford was quite as good in every respect as any other asylum in Ireland; but there was a great absence of the many things, trifling as they were, that would alleviate the dreadful tedium of the poor patients' lives, and help their recovery. There was no reason why the very same resources should not exist in the asylums in Ireland. The expense of everything he had described, even for a large institution, would not cost £50; but the utmost apathy, if not, indeed, prejudice, against such improvements appeared to exist. He had lately gone with a deputation from the Grand Jury of Waterford to visit the district asylum there; they had drawn up a report recommending increased recreation, which appeared to excite the surprise and draw down on him the disapproval of the resident manager, as he wrote to the papers stating there were pictures, plants, birds, and music, to amuse the patients, and wound up by expressing his fears that if patients were too much amused sane people outside might feign madness in order to join them. Now, the whole collection of pictures might be purchased, he thought, for 5s., the plants, perhaps, an equal sum, the birds, which for a long time consisted of only one, had to be caught by an enterprising patient, and the strains of music were only heard when some lunatic was in the vein to play on the fiddle or tambourine; however, when a manager of an asylum was found to express apprehension that if these joys were increased, people might endeavour to get themselves placed amongst lunatics, he thought he could not do better than hand in his letter, as the very strongest piece of evidence in support of his assertion that the Irish asylums needed reformation. All he now sought was to interest the right hon. Baronet in the subject, and to induce him to visit the two or three English asylums he had described, and then visit some of the Irish ones. He was quite sure when he had done so that he would agree with him that his description had not been exaggerated. He advocated no other reform than that recommended by the Royal Commission, and in successful operation in the places he had been describing. The late Chief Secretary had promised that new Privy Council rules should be introduced in place of the Bill of his predecessor. In addition to the Inspectors, a Commission like that which formerly existed ought to be formed, and each of the Inspectors ought to have separate districts assigned them, which would cause an emulation which did not now exist. He would now, until next Session, leave the matter in the hands of the right hon. Baronet. He hoped he would visit the asylums of both countries and judge for himself. The illustrious name he bore was associated with some good done for Ireland, and, though he differed with him in many of his opinions, still he believed he usually meant what he said. A few days before he had given expression to kindly sentiments towards Ireland, and, as he (Mr. Blake) was confident there was no subject more worthy of his attention than the one he had that day brought under his notice, he had every hope that he would not lose sight of it, but would give to it that consideration which the claims of the poor beings for whose amelioration he pleaded deserved from one occupying a position enabling him to benefit them.

MR. BERNAL OSBORNE said, he had no doubt the right hon. Baronet would devote himself during the recess to the consideration of the question which had just been submitted to his notice, and bore testimony to the efficiency of Dr. White, who up to the period of his decease had discharged his duty as an Inspector of Lunatics with the utmost zeal, adding also the expression of his opinion as to the manly and able manner in which Drs. Nugent and Hatchel performed their duties in a similar capacity.

IRISH BILLS.—QUESTION.

MR. HENNESSY wished to know from the right hon. Baronet the Secretary for Ireland, What had become of the Bill relating to the removal of certain penalties now imposed by law in the case of clergyman marrying a Protestant and Roman Catholic in Ireland, which had been introduced in the early part of the Session by the late Lord Chancellor in the other House of Parliament: also what had become of the Registration of Births, Deaths, and Marriages (Ireland) Bill, as well as that relating to the better regulation of Fairs and Markets in the country, which had been introduced early in the Session by the right hon. Gentleman the late Chief

Secretary (Mr. Cardwell)? In calling attention, however, to the postponement of those Bills, he must not forget to be just to the Government, and to give them credit for a practical piece of legislation in the shape of the Salaries of County Surveyors Bill, another measure called the "Drunkenness in Ireland Bill," which he could never understand, and another giving two gentlemen £200 a year each for doing something in connection with Irish voters. There was, at the same time, a subject of great importance—Education in Ireland—which had not been dealt with, and which would come under the attention of the right hon. Baronet almost the instant he set his foot on the pier at Kingstown. With that question he hoped his right hon. Friend would at once grapple, using his own judgment in the matter, and setting aside the suggestions which might come from quarters on which reliance ought not to be placed. In conclusion, he had merely to add that he did not think the late Chief Secretary for Ireland was much to be blamed for the absence of legislation for Ireland in the present Session, seeing that he was deprived of the assistance in the House of both the law officers for that country — a position in which no Chief Secretary had been placed since the Union. Blame attached rather to the Prime Minister and the Government. He was afraid that the present Chief Secretary would remain for some time in the same unenviable position; but still he hoped that the right hon. Baronet would do something during the recess to promote the social happiness and the material prosperity of the Irish people.

SIR ROBERT PEEL: I am obliged to the hon. Member for Waterford (Mr. Blake) for drawing my attention to the important subject of lunatic asylums in Ireland. I concur in the humane views which he has expressed with respect to the necessity and importance of introducing into those institutions everything that may tend to alleviate the sufferings of the inmates and to facilitate, as much as possible, their restoration to a sound state of health in mind and body. Happily in Ireland, as well as elsewhere, the time is long past when lunatics were treated like criminals; but I really admit that, in addition to kindly treatment, it is highly desirable that the monotony and desolation of mind endured by patients in lunatic asylums should be relieved by occupation and amusement. I do not think that the

recommendations contained in the Report of the Commission of Inquiry to which the hon. Member has adverted, and which sat in 1858, have been sufficiently attended to. The Commissioners urged the necessity and advantage of introducing a system of recreation and amusement into lunatic asylums; but the hon. Member must know that the remedy for the evils which he has pointed out is a matter not within the province of the Government, but depends upon the local Boards. The district lunatic asylums are governed by Boards which are sustained by local rates, and, although it is true that the law gives the Lord Lieutenant considerable powers, yet it is obvious that it would not be desirable that he should exercise them, except in extreme cases. The hon. Member says that the monotony of lunatic asylums should be relieved by books and music. No doubt such means of recreation and amusement would be very valuable; but their introduction depends upon the Board of Directors of each asylum, and if the Lord Lieutenant were to exercise the power conferred upon him by the law, I am afraid such exercise would be regarded by the local Boards as an unwarrantable interference with the rights and authority of the cess payers. The hon. Member, in contrasting the lunatic asylums in Ireland with those of England, found fault particularly with the asylum at Clonmel. I believe that the condition of that institution is not so unfavourable as the hon. Member has described it to be. The hon. Member told us that the condition of the asylums in England—and he particularly mentioned those of Glocester and Leicester—is much superior to the condition of the asylums in Ireland. I find it stated, however, in the Ninth Report on the district asylums in Ireland that "the sanitary condition of such asylums from 1857 to 1859-60 was most favourable," and that "the comforts in Irish asylums are daily on the increase." The hon. Member gave us an unfavourable account of the asylum at Waterford, and I am aware that he made similar statements in a recent address to the grand jury of that city. Since the delivery of that address I have received a counter-statement from a person who visited the asylum in consequence, and who says—

> "We found the whole building clean and orderly, pictures on the walls, draughts, &c., for the amusement of patients, books, and an instrument of music, which had evidently been in frequent

use. As regards employment, patients were engaged in making shoes, knitting, sewing, making clothes, gardening, farming, &c. There are ten acres of land connected with this asylum, divided and sub-divided, the entire work on the land and gardens being performed by patients."

I think, therefore, that the condition of the Waterford Asylum is not such as to warrant the severe censure which the hon. Member has pronounced upon that institution. The hon. Member referred to some assurance given by my predecessor in connection with a Bill which was dropped two years ago on the understanding that steps would be taken by the Government to improve the management of the Irish lunatic asylums. I am happy to be able to inform the hon. Member that steps have been taken in the matter, and that new and improved rules have been drawn up under the orders of the Privy Council. I cannot agree with the hon. Member that the condition of the asylums in Ireland is so very unfavourable as compared with the asylums in England. The reverse is the case; and it is somewhat remarkable that the condition of the asylums in Ireland is considerably better than the condition of the asylums in England or in Scotland, or even in France. I have read the report to which the hon. Member has referred, very carefully, and I find that the percentage of recoveries, whether considered by admissions annually or by total number of patients under treatment, is greater in the Irish district lunatic asylums than in those of other countries. It is more favourable than in Scotland or than in England. Of the daily average under treatment—and this is very important—16 per cent are cured in Ireland, about 13 per cent in France, and about 10 per cent in England. In four years the deaths by casualties in Ireland among the insane in lunatic asylums were sixteen in all; but in England during the same period they were 124. Those facts show, I think, that the lunatic asylums in Ireland are, upon the whole, well and satisfactorily governed. No doubt improvements may be introduced, and when I go to Ireland I shall be happy to give this matter my best attention.

Turning now to the remarks of the hon. Member for the King's County (Mr. Hennessy), I am afraid I cannot state the reasons why the Bills to which he has referred have been dropped; but I may be permitted to say that next Session, should I continue to hold the office of Chief Secretary, and should any measures relating to Ireland be dropped, I shall be quite prepared to give the reasons. I have no doubt my right hon. Friend the Chancellor of the Duchy of Lancaster (Mr. Cardwell) will be able to reply to the observations of the hon. Member opposite. In conclusion, I wish to take this opportunity of assuring Irish Members and the House generally that I shall never grudge any time or attention for the purpose of considering whatever may be necessary for the interests of the lunatic asylums and all other public institutions in Ireland, and that I shall cheerfully co-operate with hon. Gentlemen on both sides in endeavouring to promote whatever measures which may tend to the improvement, progress, and advancement of Ireland.

Mr. CARDWELL said, he thought the hon. Member for Waterford was not aware that new regulations for the administration of affairs in lunacy had been prepared by a Commission specially appointed for the purpose, and that those regulations only waited the arrival of the right hon. Baronet in Ireland to be finally sanctioned. With respect to amusements in lunatic asylums in Ireland, his experience did not correspond with that of the hon. Member; for when he visited the Belfast asylum the patients were drawn up in military array, and were obviously enjoying a recreation well calculated to divert their minds. He believed, moreover, that in a curative point of view no asylum stood higher than that of Belfast. A great deal had been done during the last two years to supply the deficiency of accommodation for the care and cure of lunatics in Ireland. Many new asylums had been ordered, and he had no doubt that in a short time the whole of the accommodation recommended by the Redington Commission would be furnished. In reply to the questions of the hon. Member for the King's County (Mr. Hennessy) he had to state that the Bill for repealing the penal statute affecting Roman Catholic mixed marriages was withdrawn at the request of a large number of the Roman Catholic Members of that House, including the hon. Gentleman himself. He had received a communication from those hon. Gentlemen which led him to believe that the measure was not acceptable to them, and that he should not receive their support in proceeding with it. The other two measures to which the hon. Member had referred—the Registration of Marriages Bill and the Fairs and Markets Bill, related to subjects of great difficulty and importance, subjects which had engaged the attention of Parliament for many years, and were introduced early in the Session. These two measures were referred to Select Committees which made their Reports to the House. Why, then, it was asked, did they not make progress in the House? The reason was not any unwillingness on the part of the Government, for they were most anxious to complete them, but because many of the Irish Members had to attend the summer assizes, and such measures could not be proceeded with in their absence. With regard to the Bill for the Registration of Marriages, it was quite true that the Committee had come to an all but unanimous conclusion; but, contrary to his protest, they had inserted a clause in the Bill giving to clergymen registering a marriage in Ireland exactly five times the remuneration that was given to clergymen in England, and charged it not on the local rates but on the Consolidated Fund. Now, it must be quite manifest to the House that it was totally impossible for him as a Member of the Government to recommend that clause to the adoption of the House; and it must be equally manifest that in the absence of the Irish Members he could not ask the House to reverse the decision of the Committee. There was no alternative, therefore, but to leave the matter over till next Session. So, also, with regard to the Fairs and Markets Bill, the Committee arrived at a unanimous conclusion. It touched vested interests and affected the regulation of traffic, both wholesale and retail, throughout the whole kingdom; and any Minister would be most culpable who attempted to make progress with such a measure in the absence of the Irish Members. The first of the three Bills then was not proceeded with, because those it was intended to relieve were desirous it should not be proceeded with; and, with regard to the two others, notice had been given by the Government on the very first day of the Session that they would be introduced on an early day; they were so introduced, they were referred to a Select Committee, but they could not be proceeded with in the House in consequence of the absence of the Irish Members at the summer assizes.

Colonel DUNNE thought the chief fault of the lunacy establishments in Ireland was the appointment of the Governors, who were nominated by the Lord Lieutenant, often as a matter of caprice. They ought, in his opinion, always to be connected with the financial distribution of the country.

SPAIN AND MOROCCO.—QUESTION.

Mr. DARBY GRIFFITH wished, on the last day of the Session, to elicit some words of wisdom from the noble Viscount at the head of Her Majesty's Government in relation to a question which had lost an eloquent exponent in that House, owing to the acceptance of office by the right hon. Baronet the Member for Tamworth (Sir Robert Peel). The despatches published by the Foreign Minister in the autumn of 1859 were all that could be wished; but his answer to the right hon. Baronet the other day seemed to give a new version to the case. The noble Lord the other day appeared to consider that he had made an engagement as to Tangiers, but that as to Tetuan he said nothing in direct terms, and that in harmony with his despatch he could allow Tetuan to be occupied permanently by an European Power. The fact was that Tetuan and the country up to Ceuta was nearer to Gibraltar than Tangiers was. The passage by land to Tangiers was easy, and there would be no difficulty in a force from Tetuan taking possession of that town. There could be no doubt that if the Spanish forces held possession of the coast of Morocco our communications with Gibraltar and the Mediterranean would be greatly interfered with. At present the Spaniards held possession of Melilla, upon the confines of French Algeria, and the extension of their power over the coast between the two points, which must follow, would leave the whole seaboard in the possession of Spain, who might at any time be made a catspaw by France to injure this country. If the recent conduct of the noble Lord had been actuated by any desire to make a firm friendship with Spain it was an entire mistake. The only means of obtaining a sincere alliance with Spain must be by the surrender of Gibraltar. So long as we retained Gibraltar, which was a thorn and offence in their side, every Spaniard would detest the name of England. We had taken Gibraltar by a *coup de main*, and the Spaniards had repeatly made attempts to recover it, in alliance with France; and it was vain to expect that they would prefer the alliance of England to that of France so long as they hoped to wrest the fortress from us. It was futile to expect any gratitude for our exertions during the Peninsular War, because Spaniards argued, first that what we did was with a view to our own intests; and next, that if we had let them alone they would have driven Napoleon out of the country much sooner than was the case with our assistance. He would remind the noble Lord of the opinion expressed by Mr. Fox that if Gibraltar were given up to Spain the Mediterranean would become a lake from which she could exclude us whenever she pleased. He wished to ask the noble Lord, Whether there was any intention on the part of the Government to allow any European Power to obtain possession of Tetuan or of any part of the coast of Morocco in the Mediterranean, with reference to the security of the fortress of Gibraltar?

THE STATE OF NAPLES.

QUESTION.

SIR GEORGE BOWYER said, that before the noble Lord rose to reply, he wished to ask two questions of great importance. By the capitulation of Gaeta the Swiss troops in the service of the King of Naples were allowed to remain in Naples; but it appeared from the accounts in that day's *Times*, that this portion of the capitulation had been violated, and Baron Ricasoli had ordered that the Swiss should leave Naples. Remonstrance had been made by the Minister from the Swiss Republic, and he (Sir George Bowyer) was anxious to know the rights of the matter, and whether Her Majesty's Government would exercise their influence to insure justice to the Swiss? Seeing upon the Treasury bench the great champion of Swiss rights, he had no doubt the subject would receive due attention from him, and he hoped the right hon. Baronet (Sir Robert Peel) who, while out of office had shown such desire to protect the freedom of Switzerland, and to prevent the encroachment of France through corrupt transactions between Sardinia and France would, now he was in office, show a like amount of zeal. The other question which he wished to ask related to a matter of still greater importance. He wished to ask whether Her Majesty's Government would exert their influence with Foreign Powers, and especially with Italy, to obtain justice and fair play for the population of the Kingdom of the Two Sicilies. Without going into particulars, he might say that all accounts, public and private, showed that the state of things in that kingdom was most dreadful, bordering upon anarchy, if not anarchy itself. There was not even the ordinary security for life and property which Governments afforded to their subjects. The country was exposed to an armed despotism, and ruled by a cruel repression. It had been said that the Piedmontese had been received as deliverers by the population of the Kingdom of the Two Sicilies; but how incorrect that statement was was shown in the correspondence of *The Times*, which was probably the most accurate of our sources of information. The disbanded army had nothing to do with the state of feeling which prevailed. The people were put down by movable columns, directed against persons who were called brigands, though it was a perfect absurdity to call them anything of the sort. He could produce evidence that these persons were not merely disbanded soldiers, nor in any sense of the word brigands, but the population of the country, who, if they had a chance, were ready to rise as one man to recall their rightful Sovereign, to whom they were still attached. They did not wish their country to be a province of Piedmont. Naples was the fourth city in Europe in importance and population, and that great city did not like to become a provincial town under Turin, and would never submit to such a fate. He had been informed that the Emperor of the French remonstrated against the cruelties committed by the Piedmontese in the Kingdom of the Two Sicilies. Last year, when he called attention to the bloodthirsty proclamation issued by General Pinelli, he was told that Pinelli had been dismissed. He did not believe that that was so, but, however that might be, Pinelli was now in that country with full powers. General Cialdini was in Naples with full military powers, superseding the civil authority altogether. The Government of Naples was one altogether of martial law. General Cialdini was a soldier, and nothing else, and he would stick at nothing necessary to carry out the object he had in view. The people were trampled under foot, and he wished to know whether the (Her Majesty's) Government would use the influence they undoubtedly possessed to put a stop to this state of things? No doubt the noble Lord would tell him that by a vote of the people—a *plébiscite* as it was called—Naples was united to the pretended Kingdom of Italy. He was sure, however, that the noble Lord could not attach any importance to this so-called *plébiscite,* which had been carried out without any freedom of election. He knew of an instance where a person went to give his vote for the recall of Francis II., but was trampled under foot by the Garibaldians, and died of his injuries. There were no voting papers to be got for the recall of Francis II. The process of taking the votes of the people for the annexation to Piedmont was a cruel and wicked mockery, as was abundantly proved by what had subsequently occurred. If the people had really been in favour of annexation martial law would not be necessary, and it was only by martial law that Naples was now governed. If Francis II. had had less moderation and humanity, and had not dreaded the bloodshed which would have followed, there would have been a general uprising throughout the country for his recall. But the people were now kept down by a large military force, and by a rigid and cruel military despotism. They had no chance of asserting their own rights. The rights of the Neapolitan people to self-government, and the nationality and independence of the ancient and noble Kingdom of the Two Sicilies, were as sacred as the rights of Poland or of any other of the nationalities of which so much was talked now-a-days. The people of Naples detested Piedmont—the Piedmontese soldiers could not show themselves, but had to be shut up in fortresses. The people of the city of Naples were only kept under by the fear of a bombardment from St. Elmo, which Garibaldi wished to destroy, but which the King of Piedmont, knowing how necessary it would be to him, had preserved. Francis II. left Naples because he did not wish its inhabitants to be exposed to the horrors of war; but the Piedmontese monarch had no such feelings, and the Neapolitans knew that they would be crushed by a bombardment from St. Elmo if they moved. Her Majesty's Government pretended to be great friends of liberty and of nationalties, and he wished to know whether they would take into their consideration the position of this unfortunate people? He did not want from the noble Viscount any party speech, or any commonplaces about Italian unity and Italian nationality. He wanted him to apply himself to the facts, which were undeniable. He wished to hear from him whether he would use his influence to obtain for the people of Naples fair play—deliverance from the tyranny under which they were placed, and the opportunity of deciding for themselves, without the interference of Piedmontese soldiers, whether they would be under the Piedmontese Government or not? He was sorry that the Chancellor of the Exchequer was not present. The right hon. Gentleman had written a pamphlet some years ago about Baron Poerio, and other persons, who were imprisoned under the authority of the King of Naples, and he (Sir George Bowyer) wanted the right hon. Gentleman now to write a pamphlet giving an account of the imprisonment of thousands and thousands of persons in Naples, and the execution by military law of hundreds—not men with arms in their hands, but men who were merely considered to be disaffected and reactionaries — that was to say, men who were loyal subjects—even priests, who were loyal to their King. He was afraid, however, that the right hon. Gentleman's sympathies were all on the other side, and that his indignation was all directed against the lawful Sovereign, who had punished those who had attempted to overturn his throne. He hoped that the noble Lord would use all his influence to put a stop to the present state of things in Naples, and to obtain for the people of the Two Sicilies the real liberty of determining for themselves whether they were satisfied to become a province of Piedmont, or whether they would prefer that their own King and their own Royal Family should return to rule over them.

VISCOUNT PALMERSTON:—The hon. Member for Devizes (Mr. Darby Griffith) wishes to know what has passed in regard to the disputes between Spain and Morocco as to the occupation by Spain of certain points in the territory of Morocco. The original dispute between Spain and Morocco was a very unfortunate one. It is not for me to enter into the merits of it, but I think more explanation and a clearer understanding might have prevented the war. The result of the war, however, was that the Emperor of Morocco was to pay a certain amount of money to the Spanish Government as compensation for the expenses incurred in that war. This was to be paid by instalments, and the town of Tetuan was to be occupied by the Spanish Government for a certain period until a certain proportion of that indemnity was paid. The Emperor of Morocco, however, was under a mistaken impression as to the amount of treasure which he possessed. He imagined that he had in the Treasury of the State a larger sum than afterwards turned out to be there. That created a difficulty in regard to the payment of the instalments. Moreover, the present Sultan had succeeded to his father during the contest, and his authority was not firmly established in every part of his dominions, there being another brother who had the support of a certain party; and there was not, therefore, entire acquiescence in his succession to the Throne. This, also, created an additional difficulty in the way of a settlement with the Spanish Commissioners. The Moorish people, with a good deal of national feeling and religious enthusiasm, were indignant that money should be sent to the Spanish Government to pay the expenses of the war, and the Government of Morocco was unable to pay the stipulated sums. This gave rise to long negotiation and a protracted occupation of Tetuan by the Spanish forces. Those negotiations are still continuing, and, as far as Her Majesty's Government, by any good offices in Morocco, can assist the settlement of this dispute, I can assure the hon. Member and the House those good offices will be employed. In fact, Mr. Drummond Hay has gone to the seat of Government in Morocco to endeavour to make some arrangement. I have no reason to suppose that the Spanish Government has any intention of keeping a permanent occupation in Tetuan. The occupation is very expensive to the Spanish Government; and I believe that it only holds the place till peace is restored between the two countries. Any apprehensions, therefore, that may be entertained of a permanent occupation of Tetuan are not founded, as far as we are informed, on any real basis. With regard to the questions of the hon. Baronet who has just sat down (Sir George Bowyer), he wishes, first, to know what has been done in reference to certain Swiss troops that formed part of the garrison of Gaeta, and that have now been ordered by General Cialdini to leave Naples. I am rather inclined to believe that the Swiss Government has recalled these troops; but except generally I am not informed of the nature of the transaction. As to the other question of the hon. Baronet, he says the people of Naples are not willing to transfer their allegiance to Victor Emmanuel, and that their country should become part of the Kingdom of Italy. But if they were not willing to become subjects of the King of Italy, they must be a very extraordinary people; for it is well known that the Government of Naples was, with the exception of that of Rome, the worst Government in the world. The Neapolitans must have been the most extraordinary people on the face of the earth if they were unwilling to transfer their allegiance from their former Government to that of Sardinia. But the fact is notoriously the contrary. It is perfectly well known to everybody that when Garibaldi, with six friends, arrived at Naples in a railway carriage to deliver the people from their former Government they were received with acclamation. At that moment there were in Naples 3,000 or 4,000 troops, in the service of the late King; but, instead of assembling at the railway station, and seizing and shooting Garibaldi, these troops quietly acquiesced in the transaction. As far, then, as that goes, the matter turned on the spontaneous feeling and general acclamation of the people. The hon. Baronet says the country is in a very disturbed state; but in doing so he makes two assertions that are rather incompatible with each other. He says the country is governed by martial law, its power, of course, exercised by the Sardinian troops; but he also says these troops are so hated that they dare not show themselves, and that they are obliged to be confined to the fortresses. If that is so the troops cannot exercise the authority of which the hon. Baronet speaks. [Sir George Bowyer: I said, except in moveable columns.] Well, if these are moveable columns they are not confined to fortresses and dare show themselves.

Sir GEORGE BOWYER: What I intended to say was that when these troops were in arms and traversed the country in moveable columns they exercised control over the country; but that individual soldiers dared not show themselves and they were confined to the fortresses.

Viscount PALMERSTON: I do not wish to raise any discussion on that point. No doubt, there are bodies of troops traversing the country for the purpose of preventing every sort of outrage being committed, and restoring security for life and property. The hon. Baronet says, the people who commit these outrages are not brigands. Well, perhaps they are not brigands in the ordinary sense of the word. Brigands rob and plunder for a subsistence; they take what they want for their own use. They seize travellers and carry them up to the mountains to extort a ransom, sending their prisoners down whole if they get the whole of the money, and piecemeal if they get it in portions. But these men of whom the right hon. Baronet speaks are much worse than brigands; they commit every sort of atrocity, not for money, but as a political vengeance. They are the instruments of the political vengeance of persons who live in safety in the city of Rome. These persons send out these men by hundreds. They are furnished—I will not say by whom—with arms and money in great quantities. Some of their arms were those which some time since were handed over to the Roman Government to be kept in security when a portion of the garrison of Gaeta made their escape and took refuge in the Roman States, when they were disarmed by the French troops. Their arms are sent by parties in the holy city of Rome, to commit the most unholy acts, to disturb public tranquillity, to murder, to torture, to burn people alive, to perpetrate every sort of atrocity. These are the sort of persons the hon. Baronet takes into his tender compassion, whom he is sorry to see put down by these moveable bodies of troops, and in whose behalf he wishes the English Government to exert itself to procure them impunity. I can assure the hon. Baronet, with great satisfaction, that the English Government will do no such thing. We hope that the vigour of Cialdini and Pinelli will succeed in restoring security in the disturbed districts of the Neapolitan territory; we trust that by a vigorous application, where alone these outrages are committed, of these moveable columns the wretches who perpetrate these crimes will receive their proper punishment, in the course of no great length of time; and that the population will be relieved from the misfortunes that have been brought on them from Rome. I have no doubt at all as to the general feeling of the people of the Neapolitan territory. My opinion is diametrically opposite to that of the hon. Baronet. I am convinced that they are fully sensible of the benefits that will accrue to them from forming part of the Kingdom of Italy, governed by a constitutional Government, instead of the iron despotism under which they have so long groaned, and under which their fathers and grandfathers have been so much demoralized.

MR. SEYMOUR FITZGERALD said, the noble Lord had rather avoided than answered the question of the hon. Member for Devizes. There was a singular contradiction between his statement as to the Spanish dispute with Morocco and the statement of the Foreign Secretary some time since. Lord John Russell distinctly said that he had received from the Spanish Government an official intimation that it was their intention permanently to occupy the fortress of Tetuan. The noble Lord now said the Government had no information that led it to suppose Spain intended such an occupation of Tetuan, or any part of the coast. But not only was Spain occupying the place; it had been officially announced that it intended to convert it into a fortress of the first class, and to occupy the whole of the country adjoining, so as to make the Spanish possessions extend from Ceuta to Tetuan. Further, they intended to convert Tetuan into a fortress capable of containing a garrison of 15,000 men. He must press upon the Government the necessity of not allowing any such occupation. The Duke of Wellington had pointed out the importance of continuing this coast in the hands of the native Powers, and the noble Lord himself had once said that no permanent occupation of these points by Spain could be permitted. This was no new design on the part of the Spanish Government; they had persistently pursued it for many years; and it might be ascribed to the former opposition of the noble Lord that it had not been carried into effect sooner. The Moorish debt never could be paid; and the pretence, on the part of the Spanish Government who was in debt to all the world, and never paid even when they had the power, was a piece of unparalleled impudence and assurance. Remembering that the noble Lord had himself charged the Spanish Government with breach of faith in regard to their obligations with foreign Powers, it was surprising that he should permit the Spanish Government to shelter itself in their occupation of this territory under the plea that the Government of Morocco had not fulfilled the stipulations of the treaty. The noble Lord said he regarded this as a temporary occupation; whereas he (Mr. S. FitzGerald) was convinced that this was the first step in the occupation of the whole coast from Tetuan to Ceuta, and from Ceuta to Tangier. Any English Government, however, that would permit such an occupation of the African coast by the Spanish Government would neglect, in the highest degree, the interests of England.

VISCOUNT PALMERSTON wished to explain that the difference between his statement and that of his noble Friend (Earl Russell) might be explained by what he was about to state. There had been a great misunderstanding between the Governments of Spain and Morocco. At one time the Emperor of Morocco was supposed to have said that he would not fulfil his engagements, and that he would not pay a shilling more. The Spanish Government then said, "We will take permanent possession of Tetuan." He was, however, in hopes that the Emperor of Morocco would fulfil his engagements, and he could not doubt that under these circumstances the Spanish Government would fulfil theirs and evacuate Tetuan.

Mr. SEYMOUR FITZGERALD said, it was only a week since the authoritative announcement was made in the Spanish *Gazette.*

CONVOCATION AND THE CANONS.

QUESTION.

Mr. DANBY SEYMOUR wished to ask the Secretary of State for the Home Department, Whether it is true that the Convocation of York have postponed discussing the repeal of the 29th Canon of 1603 until next November: if they have done so, whether it is the intention of Her Majesty's Government to recommend that the Royal Assent be given to the Canon which has been recently passed by the Convocation of Canterbury, repealing the 29th Canon, and enacting another Canon in its place: and, whether the Canon law, as contained in the 29th Canon of 1603, respecting sponsors, is not part of the statute law, it having been incorporated in the English and Irish Acts of Uniformity of Charles the Second; and if so, whether the Convention of the Irish Province, as part of the United Church of England and Ireland, have, in accordance with the letter and spirit of the Acts of Union, been consulted respecting the proposed alteration in the law respecting sponsors?

Sir GEORGE GREY said, the Government had no information which enabled him to answer the first question of the hon. Member. It was possible the Convocation of York had postponed the consideration of the canon. No application had been made for the Royal Assent to the canon passed by the Convocation of Canterbury, and the application had probably been postponed until the matter had been considered by the Convocation of both provinces. In answer to the third question, he might state that an opinion had been taken, not by the Government, but by private persons, as to the effect of the statute law. The opinion was that it was doubtful whether the Royal Assent would give validity to the proceedings of Convocation without the sanction of Parliament.

THE STATE OF ITALY.

OBSERVATIONS.

Mr. NEWDEGATE said, he wished to express his thanks to the noble Lord at the head of the Government for the explanation he had given with respect to the position of affairs in Italy. The fact was, he (Mr. Newdegate) believed, that Italy was at the present moment the victim of disturbances created by the Jesuit party in Rome, and that the state of things in that country was only a parallel to that which they had attempted to produce in this, and in every country where they had lost power. A most remarkable document was in existence, showing what was the spirit by which they were animated at Naples. In the year 1854, if he remembered the date correctly, a difference arose between the Minister of the late King of Naples and the Provincial of the Jesuits. The Minister conceived that the Jesuits were maintaining their power over that Sovereign in an offensive manner, and he called the Provincial of the Order to account for that assumption of power. In the apology which that ecclesiastic then made he stated that he and the whole body with which he was connected were devoted to the system of absolute monarchy; he offered to produce the signature of every Jesuit in Naples to attest the fact that they were bound by their constitution to promote that system of government; and he tendered to the King the allegiance of the Order, because that Sovereign governed Naples and Sicily upon the system of absolutism. When, therefore, it was pretended in that House, or elsewhere, that these disturbances in Sicily and in Naples were created for the purpose of restoring liberty to those countries in any form, he (Mr. Newdegate) begged to state the fact he had referred to as a proof that the instigators of those movements which had been denounced by all Europe were men who were firmly devoted to the promotion of absolute government, and that if they should unhappily succeed in overturning the present state of things in Italy, it must be for the purpose of re-establishing a despotism as grinding as that from which the Italians had just escaped. Recent events in Mexico showed that that party were as much attached to absolute power in the hands of a President as in those of a King, and that they could use it with not less frightful cruelty. The first exertions of Garibaldi had been directed against the domination of the creature of the priests in Mexico, Santa Anna, and at this moment, when this party had lost power, the most grievous outrages were committed against British subjects, as well as against the natives in that country. When, therefore, the advocates of the Jesuit party represented them as the friends of toleration and of freedom he trusted that no one would be so blind as not to see that this was a mere pretence, and that the re-establishment of despotism could be the only result of the triumph of a party which had already been guilty of every enormity that could outrage humanity. Such was the history of that Order, and he sincerely hoped that the future liberties of Italy would be established and guarded by stringent measures which were absolutely necessary in order to free the country from these political marauders before it could enjoy either peace or freedom.

STRIKE IN THE BUILDING TRADES.

OBSERVATIONS.

MR. AYRTON rose to call the attention of the Secretary of State for War to a Petition which he had to present on a subject that had excited great interest throughout the country. The petition emanated from 6,000 working men, who complained of the employment of Sappers and Miners in building the new barracks at Chelsea. The circumstances stated in the petition were these:—Some time ago a builder named Higgs had taken a contract from the Government for the construction of these barracks. After he had made that contract he determined to alter his mode of paying his workmen, and to pay them in future by the hour. His men, thereupon, declined to continue in his employ. He believed that out of about 400 masters in the Metropolis only about twenty-five had adopted this new and as the men believed most objectionable and demoralizing mode of paying their workmen. The consequence was that the men refused to work upon these terms, and the contractor could not get persons to carry on the building. Instead of calling upon Mr. Higgs to fulfil his contract, and if he failed to do so giving the work to other contractors, the Government had, it appeared, sent for a body of Sappers and Miners, and let them to the contractor. This proceeding had astonished the working people, and the only justification he had heard of it was that the work was to be done for the army, and it was necessary that it should be completed at as early a period as possible. That would be a good reason for rescinding the present contract, and putting a new one in the hands of some person who, by the proper employment of men, might command any amount of labour, but it was no justification for the Government letting out to a private contractor the services of soldiers in the army. It was stated in the petition that the workpeople considered it a grievance that they should be taxed in the first instance to raise an army, and then that that army should be let out in order to prevent them settling among themselves in what manner and under what conditions they should be employed. The petitioners, therefore, prayed that the House would take some steps to put an end to this proceeding. He had no doubt that the course taken by the War Office had been inadvertently adopted without considering its serious consequences. If, whenever a dispute arose between masters and workmen, the Government assumed such an attitude, though they might obtain the cheers of the employers of labour who generally sat in that House, yet just in the same proportion they must alienate from themselves personally the good feeling of the great body of the English workpeople. He trusted that the Secretary of State would be able to announce that the Government would withdraw from the position which they had inadvertently taken up, and that they would at an early day put an end to the employment of these soldiers. He was told that, notwithstanding any topics in dispute between the workmen and the employers, the workmen took a just view of their position, and gave an assurance that they desired to make no difference with respect to works under existing contract; but these masters, with an arrogance which they had better have avoided, insisted on introducing a new system, and the workmen in self-defence withdrew from employment. It was a mistake to say that they "struck" in the technical sense of the term, for it was, in truth, a "lock out" on the part of the masters, because they chose to change the conditions of employment.

SIR GEORGE LEWIS said, that a definite Vote was taken in the present year for the construction of barracks at Chelsea, and a contract was entered into for the building. A difference arose between the contractor and his workpeople, and a number of the latter were discharged. Without going into the causes of the difference, he might state that the result was that the contractor was unable to continue the work with the same number of people as had been previously employed. Under these circumstances the contractor applied some time ago to the War Department for the assistance of the Sappers and Miners, and a company was furnished on the arrangement that the contractor should pay for their services according to the plan which had been previously pursued in such cases. The single object of the War Office in so doing was to accelerate the work, as its speedy completion was of importance to the army and the Government, and it was not at all their wish to interfere in any dispute between an employer and his men, though incidentally it might have had that effect. It certainly was not in contemplation of the Secretary of State that any such feeling as had been adverted to should be produced; and as it was represented to him in strong terms that the workmen considered this as an interference on the part of the Government in the struggle now going on between a portion of the masters in the building trade and their workpeople, and as undoubtedly it must always be a great object that the Government should hold a perfectly neutral position in a matter of that kind, he had caused notice to be given that from the 1st of September this assistance was to be discontinued.

SIR MORTON PETO, as "an employer of labour sitting in that House," said, that so far from the masters with whom he was acquainted having any desire to oppress their workmen, he believed that they would, by the arrangement now being carried out, largely benefit the workpeople. In reference to the subject of the petition, he was very glad, indeed, to hear that the right hon. Baronet had intimated his intention that the employment of soldiers in connection with public works should entirely cease under the circumstances. He could only say that the employers would deprecate, as strongly as possible, the interference of Government in any way in this matter. They felt that it was simply an affair between the workmen and themselves, and that the course of conduct which they had adopted would enable the workpeople to continue on more beneficial terms their engagements. The matter being left between the masters and the men, he was quite sure that the issue would be the universal adoption of payment by the hour, as the fairest mode for both. He fully concurred in the prayer of the petition; and he had another to present with the same object; and though he was sure that what the Government did they did for the best, yet he conceived it was an inadvertence, and was glad it not to be persisted in.

Motion *agreed to.*

House at its rising to adjourn till *Monday* next.

BUSINESS OF THE HOUSE.

RESOLUTIONS.

MR. W. EWART then moved the following Resolutions:—

"1. That, as soon as the Estimates are ready, one night in each week be given to their consideration; Motions on going into Committee of Supply being on that day not permitted, except by express permission of the House.

"2. That on other nights, when Supply is an Order of the Day, the speeches of Members who bring forward Motions on going into Committee of Supply be restricted to the limits of a quarter of an hour.

"3. That when a Bill is referred to a Select Committee the Report of such Committee shall be received, and the Bill stand for further consideration, without the intervention of a Committee of the whole House, unless the House shall order the Bill to be Re-committed.

"4. That such Committees, and all Select Committees, consist of not more than five (or seven) Members, named by the Committee of Selection, who shall choose them for their knowledge of the subject to be submitted to their consideration, and ascertain that they will be able to attend regularly in such Committee.

"5. That no opposed business be proceeded in after the hour of one o'clock in the morning."

The hon. Member said that he had a strong opinion that these Resolutions, if adopted, would be found to be productive of considerable advantage in enabling the House to dispose of the business which came before it, adding, with reference to the last of them, that although the noble Lord at the head of the Government, with a vigour which was quite unexampled, might be able to sit out the discussion which took place night after night until two or three o'clock in the morning, yet the great majority of hon. Members were unable to do so without suffering so much as to look rather like spectres of themselves than living realities. He should not, he further observed, press his Motion on the present occasion if any opposition were offered; but it would, he hoped, be taken into consideration by hon. Members during the recess, and acceded to, if deemed to be calculated to effect the object which he had in view, next Session.

Motion made, and Question proposed,

"That, so soon as the Estimates are ready, one night in each week be given to their consideration; Motions on going into Committee of Supply being, on that day, not permitted, except by express permission of the House."

SIR GEORGE GREY said, he was not surprised that his hon. Friend did not ask the House to express an opinion on these important Resolutions at present, for it was quite clear it would not be right, in the absence of the great majority of hon. Members, to make such alterations as the hon. Gentleman proposed, particularly when it was borne in mind that the subject with which he dealt was one with reference to which the House had come to a decision already in the course of the present Session. He might, however, observe with respect to the First Resolution, that he thought it was one which very well deserved the attention of the House. If the recommendation of the Committee on Public Business, to the effect that Supply might be set down for Tuesdays, had not been acceded to, the termination of the Session would not, he believed, be so near at hand as it now was; and if, in addition, the suggestion of his hon. Friend, that Supply should be fixed for one day in each week were adopted, and a reasonable certainty afforded that it would come on in due course without any preliminary discussion, increased facilities in the despatch of public business would in all probability be found to be the result. The House would, therefore, he hoped, at the beginning of next Session see reason to agree to the first Resolution, the adoption of which would not, he thought, be found to infringe unduly on the rights of private Members. So far as the second Resolution was concerned, he would simply say that, though he thought it would hardly be advisable to adopt such a rule, he wished hon. Members might be induced to act on the advice which it contained. With respect to the appointment of Committees, hon. Members must feel that there was an important distinction between private and public Bills, and, however desirable it might be to limit the number of Members in the case of Select Committees appointed to inquire into the former, it was not so evident that good would result from applying the same principles to the latter. Any absolute rule on that subject had, he thought, better be avoided. The same might be said with respect to not bringing an any opposed business after one o'clock. As a general rule such was not done, but towards the close of the Session it became of great consequence sometimes to be enabled to do so after that hour. If the House adopted the suggestion of his hon. Friend it would lead to the unavoidable lengthening of the Session; and though hon. Members, and especially the right hon. Gentleman who occupied the Chair, might occasionally feel the inconvenience of sitting so many hours at a stretch, he was sure they would prefer doing so to having the length of the Session increased by three or four weeks in consequence of rising earlier.

MR. PAULL said, that at one time he thought some restriction might advantageously be put upon the liberty of Members to bring forward Motions on going into Committee of Supply, but after consultation with the noble Lord at the head of the Government, and the right hon. Gentleman the Member for Bucks, he had seen reason to change his opinion. The views of the noble Lord and the right hon. Gentleman were identical, and might be expressed as follows:—Members of the House of Commons were not elected for the sole purpose of passing Bills and voting money, but to express the wants and wishes of the people, and to provide remedies for acknowledged grievances. Unless it were competent to every Member of that House to state what was rising in the public mind, and to demand immediate redress, the probability was that discontent would grow and spread out of doors until it reached a height dangerous to the peace of the country. That very afternoon the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) had brought forward a grievance only lately known, and had obtained a prompt and satisfactory answer from the Secretary for War. He did not see how they could pretend to limit the extent of speeches; nor did he see what good could arise from superseding the reference of Bills to Committees of the Whole House. He could not approve the Resolutions of the hon. Member for Dumfries.

Mr. BASS said, that almost everybody had some reason to complain of the unbusiness-like mode in which the House conducted its affairs. He congratulated the hon. Member for Dumfries, whose Resolutions were exceedingly opportune, upon having obtained to some extent the acquiescence of so high an authority as the Home Secretary, and expressed the hope that early next Session the House might be induced to adopt the suggestion of the right hon. Baronet with respect to the first Resolution. He trusted that the right hon. Gentleman would soon come to see the advantage of curtailing the speeches of Members. Improvement in that respect was not impossible. He believed, indeed, that if Members took one-tenth part as much labour to be concise as they did to be diffuse the grievance would be removed at once; but he was afraid that if they trusted to Members altogether they would be disappointed.

Motion, by leave, *withdrawn*.

House adjourned at Five o'clock, till Monday next.

HOUSE OF LORDS,

Monday, August 5, 1861.

Minutes.] Public Bills.—2ª Local Government Supplemental (No. 2.)

3ª Metropolis Gas Act Amendment; Lace Factories; Gunpowder, &c. Act Amendment; Episcopal and Capitular Estates Act Continuance, &c.; Consolidated Fund (Appropriation); East India Loan (No. 2); Militia Pay; Militia Ballots Suspension; Wills and Domicile of British Subjects Abroad, &c.; Corrupt Practices Prevention Act (1854) Continuance; Landed Estates (Ireland) Act (1854) Amendment; Metropolitan Police District Receiver; Parochial Offices; Volunteers Tolls Exemption (No. 2.); Treasury Chest Fund.

LOCAL GOVERNMENT SUPPLEMENTAL (No. 2) BILL.

RESOLUTION DISPENSED WITH. STANDING ORDERS SUSPENDED. THIRD READING.

Moved, That the Resolution of the 11th of April last relating to Bills for confirming Provisional Orders of the Board of Health be dispensed with; *agreed to.*

Bill read 2ª (according to Order).

Committee *negatived.*

Then Standing Orders Nos. 37 and 38 *considered* (according to Order), and *dispensed* with.

Bill read 3ª, and *passed.*

COURTS OF QUARTER SESSIONS (IRELAND).

The Marquess of CLANRICARDE moved for

"Return of the Number of Civil Bills and of Ejectments, and the Defences to them, Entered and Tried at the different Courts of Quarter Sessions of Ireland respectively, commencing with the Easter Sessions of 1856 to the Hilary Sessions of 1861, both inclusive; showing also the Number of Appeals to Courts of Assizes from the Decisions of the Chairman of Quarter Sessions, and the Number of such Decisions Reversed or Confirmed at each Assizes: Also,

"Return of the Number of Felonies and Misdemeanours Tried at each Quarter Sessions, and of Convictions or Acquittals, within the same period: And also,

"Return of the Number of Appeals from the Decisions of Magistrates, and of the Insolvent Cases Heard at each Quarter Sessions; and to call attention to the Report of the Office of Registry of Deeds."

The noble Marquess said, that the information which these Returns, if produced, would afford, was necessary to enable Parliament to legislate hereafter with effect on the subject of these Courts. A greater amount of business was now transacted, and transacted in a satisfactory manner, in the Quarter Sessions Courts of Ireland than the public was aware of. It was desirable, however, to improve the character and add to the efficiency of those tribunals; but he did not expect that such a change could be attended with greater economy to the suitor or to the public. There was another matter so urgent that he must earnestly press it upon the immediate attention of the Government. Not a day ought to be lost in dealing with the Registration Office in the city of Dublin. The state of things existing in that office, as disclosed in an official Report presented last April, was quite appalling. Nothing could exceed the utter confusion which prevailed in that important department of the judicial administration of the country. In the Office there were 800 volumes which were totally useless, and other ten volumes had been lost. These evils could not have arisen from the want of due assistance, because in the indexing branch of that Office alone there was a larger staff employed than the whole staff of the Registration Office of the county of Middlesex, where, moreover the number of deeds were half as many again as the deeds in the Registration Office in Dublin for all Ireland. This Office ought, in his opinion, to be placed under the superintendence of the Irish Landed Estates Court, or of some one of the other great Courts in Dublin; and he trusted that the Government would turn its earliest and most careful attention to this subject, with a view to legislation upon it at the beginning of next Session.

LORD STANLEY OF ALDERLEY said, there was no objection whatever to the production of these Returns. In the absence of all his colleagues immediately connected with Ireland, he could only assure the noble Marquess that his observations respecting the state of the Registry Office in Dublin were deserving of the best consideration of the Government. The existence of the Landed Estates Court in Ireland rendered it all the more necessary and important that the office for the registration of deeds should be in a satisfactory condition.

Motion *agreed to.*

Afterwards—

LORD STANLEY OF ALDERLEY said, that since he had answered the question of the noble Marquess (the Marquess of Clanricarde), he had received an intimation that it was the intention of the Government to issue such an inquiry as the noble Marquess had advocated, with the object of discovering whether any improvement could be effected in the department.

EMPLOYMENT OF CHILDREN IN TRADES.

MOTION FOR AN ADDRESS.

THE EARL OF SHAFTESBURY moved, "That an humble Address be presented to Her Majesty, praying Her Majesty to give Directions that an Inquiry be made into the Employment of Children and Young Persons in Trades and Manufactures not already recognized by law," and said, my Lords, the Motion which I have now to submit to your Lordships, although it is the last, is, I am sure, not the least which to-day claims your attention; and I have no doubt your Lordships will admit that its magnitude and importance justify me in now bringing it before you. It is not necessary for me to detain your Lordships by any lengthened statement. I will, however, explain that in the year 1840 I moved for the appointment of a Commission, and obtained it, for the purpose of instituting an inquiry precisely similar to the one which I am now proposing. That Commission reported in 1842, and a very copious and very valuable body of evidence was collected. I have been often asked why I did not proceed further in legislation on this subject. What I did was this—I was enabled to introduce a Bill for the regulation of the labour of young children in coal mines; measures of an analogous nature were also brought in and passed in respect to printworks and bleachworks; and this year we had a Bill before us extending the provisions of the Factory Acts to lace factories. The difficulty of legislating on this question is very great, because, every special branch of industry having its own pecularities and special requirements, separate legislation is necessary in each particular case. The introduction of measures of this kind always encounters considerable opposition; and, therefore, it was requisite to wait and watch for the growth of public opinion. Now, public opinion, seeing the good effects which have arisen from past legislation of this character, has come to recognize the advantage in every sense, moral, social, commercial, and political, of proceeding still further in the same direction. It is, likewise, desirable to have a new inquiry, because a long period has elapsed since the Report of 1842 was presented. Since then the evils there pointed out have in some instances been mitigated, in others aggravated and increased; while, moreover, some old trades have become extinct, and, on the other hand, some new trades have been created. Yet the abuses still perpetrated are so great, the mischief attending the existing system so glaring, that the evidence taken before the last Commission affords but a very imperfect indication of what another investigation instituted now might be expected to disclose. My Lords, the trades and employments now subjected to inspection, but as yet not regulated by law, are these:—Tin, copper, lead and zinc mines, metal wares, earthenware, glass, pillow-lace, hosiery, paper-making, paper-staining (new), drawboy weaving, hand-frame winding and warping, tobacco manufactures, lucifer matches, shirt-making, embroidering, rope and twine making, fustian dressing and cutting, leather-glove making, card-setting, brick-making, black-lead works, and several others. I will now briefly call to your Lordships' attention the general conclusions arrived at by the Commissioners of 1840; and, on the first point—namely, as to age, they state that—

> "Instances occur in which children begin to work as early as three or four years of age, not unfrequently at five, and between five and six; while, in general, regular employment commences

> between seven and eight; that in all cases the persons that employ mere infants and the very youngest children are the parents themselves. Early ages are found principally in the manufacture of pins, earthenware, machine-lace, hosiery, draw-boy weaving," &c.

As to the hours of work the Commissioners remark—

> "The instances are rare in which the regular hours of work are less than twelve, including from one hour to one hour and a half for meals; but the nominal hours of work are often no indication of the duration of the labour, the work being not unfrequently continued from thirteen up to eighteen hours consecutively."

With reference to the state of the places in which the work is carried on, they say—

> "With some exceptions, the places of work in which the trades are carried on are, in general, lamentably defective in drainage, ventilation, the due regulation of temperature, and cleanliness." . . . They proceed to describe "the disgusting state of filth."

Again, as to the night-work—

> "In many trades and manufactures there is no regular night-work; but in others it is so constant as to be a part of the system. . . . Its physical and moral effects on the workpeople, and on the children in particular, are universally stated to be highly injurious."

As to the treatment there are these remarks—

> "In every trade there are some establishments where corporal punishment is neither allowed nor practised. In too many cases, however, the child is the servant of the workman . . . . the proprietor knowing nothing of the treatment, and never, in the least, concerning himself with the matter. In this position the child is often severely, and sometimes cruelly, used; and in one branch of manufacture, in one district in particular, the treatment is oppressive and brutal to the last degree."

From the evidence produced before the several Commissioners, the following inferences are drawn with respect to the influences of the work on the physical condition of the employed:—

> "With few exceptions there is nothing in the nature of the employments included under the present inquiry directly injurious to health; but they are often pursued under circumstances which are so."

They specify "early labour," "long hours of work," "insufficient and unwholesome food," and "bad clothing." Hence, "they are more disposed than others to certain diseases which shorten life," to say nothing of crippled forms, distorted limbs, with all their disabilities and protracted sufferings. I hold it to be very consolatory that, with a few exceptions, there is nothing in the nature of the employment directly injurious to the health of those children. They must live by their labour, and, therefore, it is a great consolation to know that there is nothing injurious in that labour itself. On the subject of the moral effects of this system the testimony is everywhere fearful. Of one town a Commissioner reports —"Hundreds of men are supported by the earnings of their wives and children;" and there are several cases in which parents spend in intoxication the entire earnings of their children. Of another town a Commissioner reports—

> "A lower condition of morals could not, I think, be found. Moral feelings and sentiments do not exist among them. They have no morals."

It is stated that education in such homes as the Commissioners describe is either impossible or useless; and of one town the Commissioner, speaking of young persons, observes—

> "Their horrid words, their ferocious gestures, their hideous laughter, their brutal, bloated, mindless faces, appal and amaze a stranger."

If your Lordships read through the evidence, you will find in it a picture of a state of things such as you could scarcely suppose to exist in this country; and from their very nature those evils have a tendency to become worse. In fact, they must become worse, day by day, if some remedy be not applied. The state of those young people is especially deplorable in the case of females. No one of these wretched girls can ever rise to the dignity of a wife and mother. That is the opinion of the Commissioners; who, referring to that class, observe that they are "wholly incapable of performing the duties of wives and mothers." I shall conclude, my Lords, with the summing up of Mr. Senior, who, after an attentive consideration of the reports of the several Commissioners, makes these remarks—

> "We look with shame and indignation at the pictures of American slavery, but I firmly believe that the children at the worst managed plantations are less over-worked, less tortured, better fed, and quite as well instructed as the unhappy infants whose early and long-continued labour occasions the fabulous cheapness of our hardware and lace, and whose wages feed the intemperance of their parents."

Mr. Senior is a very sensible man and one of experience, but he is one of the last men who could ever be supposed to entertain any romantic feeling in this matter, and I think I shall not be charged with exaggeration if, following up what he says, I express my hope that your Lordships will see the necessity of an inquiry with a view of applying a remedy to a state of things so utterly disgraceful, and which, if allowed to proceed, must result in being so utterly destructive. I feel satisfied that the measures which have been already passed with a view of ameliorating the condition of the operative classes in this country have been attended with very beneficial results; that they have tended to reconcile the working classes to their position in life. They are no longer disaffected towards the other orders of society; they are no longer disaffected to property. Finding that persons of station and wealth in both Houses of Parliament are ready to look to their grievances and apply the necessary remedies, they are content to leave the application of those remedies in the hands of the Legislature. I, therefore, think that your Lordships and the other House of Parliament have now in your hands, by God's blessing, all the elements for making the working classes contented, thriving, and happy; and with the view of enabling your Lordships to avail yourselves of the occasion I beg to move an Address for an inquiry into the employment of Children and Young Persons in trades and manufactures not already regulated by law.

Lord STANLEY of ALDERLEY said, that there could be no objection on the part of the Government to such an inquiry as that which the noble Earl had indicated. In saying that, he might observe that he himself had been as much opposed to the noble Earl's measures when they were first commenced as, perhaps, any Member of the House of Commons; but he was bound to admit that his apprehensions as to evil consequences arising from those measures had not been fulfilled. On the contrary, they had given general satisfaction. They had benefited the manufacturers as well as the working classes; and he concurred with the noble Earl in thinking that they had engendered in the minds of the latter a good feeling towards the other classes of society. As regarded young people, there must always be a distinction drawn between those who were employed in large mills and other manufactories and those who were employed merely in a domestic way in the houses of their parents. With the latter it was almost impossible to interfere. There was no doubt that the good work which the noble Earl had commenced might be extended to other trades than those which it at present reached, though it would be difficult to say, without further inquiry, what those trades were. On the part of Her Majesty's Government he could promise that inquiry would be made with the object of ascertaining whether any improvements could be effected of the character which the noble Earl desired to see accomplished.

Lord MONTEAGLE said, that while he recognized the kindliness of heart which induced the noble Earl to call the attention of the House to this subject, and while he bore testimony to the good results which had followed from the course legislation had hitherto adopted, he must still take the liberty of warning their Lordships against the error of supposing that legislation must be beneficial to whatever extent it was pushed. It was, on the contrary, one of the subjects to which the doctrine of limit peculiarly applied; and much of the success which had hitherto attended the interference of Parliament was owing to the wisdom which had been shown in the measures that were passed. He feared that these restrictions could not be safely applied to many of those trades which the noble Earl had named, but he must, nevertheless, congratulate the noble Earl on having at this extreme period of the Session obtained a result in such perfect harmony with the cause to which he devoted so great a portion of his energies.

Motion *agreed to*.

CASE OF JOSEPH JOWETT.

PETITION FOR DISCHARGE.

Lord REDESDALE said, he had a petition of a rather singular nature to present to their Lordships. The petition was from a person named Joseph Jowett, the Appellant in two appeal cases to their Lordships' House. The appeals were both dismissed, and he was ordered to pay costs; but having disobeyed that order, he was committed to the custody of the Gentleman Usher of the Black Rod. The petitioner declared his willingness to pay, but being utterly unable to do so he prayed that he might be released from custody. The noble Lord concluded by moving that the petition be referred to the Appeal Committee.

Petition read, and *referred* to Appeal Committee.

House adjourned at a quarter before
Three o'clock, till To-morrow.
One o'clock.

HOUSE OF COMMONS,

Monday, August 5, 1861.

MINUTES.]—NEW MEMBER SWORN.—For Selkirkshire, Lord Henry Scott.

INSPECTION OF FACTORIES.

QUESTION.

MR. COBBETT said, he wished to ask the Secretary of State for the Home Department, Whether it is intended to appoint an Inspector of Factories in place of Mr. Horner; and whether it is intended to appoint any additional Sub-Inspectors of Factories?

SIR GEORGE GREY said, that his right hon. Predecessor had not deemed it necessary to appoint an Inspector in place of Mr. Horner; but four additional Sub-Inspectors had been appointed.

PARISH CHILDREN AS APPRENTICES:

QUESTION.

MR. COBBETT said, he would now beg to ask the President of the Poor Law Board, Whether he is aware of any applications having been made by Master Manufacturers of the Northern and Midland districts to Board of Guardians of London to send parish poor children as apprentices into such districts?

SIR GEORGE GREY replied that the President of the Poor-law Board, who was not now in his place, would answer this question to-morrow.

THE ECCLESIASTICAL COMMISSION.

OBSERVATIONS.

MR. ALDERMAN COPELAND called the attention of the House to a return made to the House (No. 317, of this Session) by the Ecclesiastical Commissioners, of the very large sums paid by them to solicitors, surveyors, and other officers, and to the manner in which the affairs of the Ecclesiastical Commission were carried on. It appeared from the general Reports that the receipts of the Commissioners for the four years ending October 31, 1858, amounted to within a fraction of £800,000; the sum charged for the augmentation of deaconries and livings amounted to £340,000; and there was an expenditure in round numbers of £132,000, being £31,000 for office expenses and £101,000 paid to solicitors, surveyors and architects. He referred to the purchase and sale of Stapleton House, as a residence for the Bishop of Gloucester and Bristol, which was an instance of the way in which the affairs of the Commission were conducted. It appeared that £12,000 had been laid out on this property for repairs, making the whole cost of the estate £24,000. The Commissioners reported that they "were satisfied that the estate was worth the money that was paid for it." But in 1859 when the Commissioners were authorized to sell this palace it realized only £12,000, and the Commissioners then said, "that it appeared to them that the said sum of £12,000 was a fair and reasonable price for the said house with the lands and premises attached." For the year ending October 31, 1860, the collection and distribution of £96,500, the amount expended on the augmentation of poor livings, had cost the Commissioners £47,000. They had charged 5 per cent commission on most of their rental receipts, but in some cases only 2½ per cent, and 5*s.* per acre was charged for draining land. He (Alderman Copeland) was connected with a charity where thousands of pounds were collected at a very trifling expense. Why could not the Commissioners send circulars, and collect their revenues? It also appeared that after expending £14,000 on the official establishment for able accountants they had gone to additional expense for an actuary. And yet, after all, it appeared from Mr. Arbuthnot's letter that a complete check did not yet exist for verifying the accounts. There was in the returns various sums amounting to £5,280 allowed by the Commissioners for interest. What did that mean? The accounts showed a balance of £260,000 in their hands. Did they trade with this money? He hoped the Government would sanction an inquiry into the subject, and he moved the appointment of a Select Committee for that purpose.

SIR GEORGE GREY understood the hon. Gentleman rather to give notice of a Motion to that effect for next Session than to make such a Motion now. The question, he thought, could hardly be satisfactorily discussed in the present state of the House. If it was to be investigated at all, it would be best inquired into by a Committee. Without pledging himself to agree to the hon. Gentleman's Motion, if made next Session, he thought there were grounds which made an inquiry desirable. He was only sorry the subject had been gone into in the absence of the hon. Member for Kent (Mr. Deedes) and the right hon. Member for Kilmarnock (Mr. Bouverie), who, expecting it would be brought on sooner, had several times attended to make observations in regard to it; but they had now both left town. Considering the hon. Gentleman's Motion to be merely formal, he should postpone any remarks he had to make on it until it was brought forward next Session.

Mr. Alderman COPELAND said he would do so.

House adjourned at Three o'clock.

HOUSE OF LORDS,

Tuesday, August 6, 1861.

Minutes.]—*Took the Oath.*—The Right Honourable Sir Maurice Frederick Fitzhardinge Berkeley, having been created Baron Fitzhardinge.

Royal Assent.—Consolidated Fund (Appropriation; Annoyance Jurors (Westminster); Copyright of Designs; East India (High Courts of Judicature; County Voters (Scotland); Leases, &c. by Incumbents Restriction; Portpatrick Harbour (Scotland); Enlistment in India; Indemnity; Parochial and Burgh Schools (Scotland); Tramways (Ireland) Act Amendment; Naval Medical Supplemental Fund Society; Salmon Fisheries; Dealers in Old Metals; Probates and Letters of Administration Act (Ireland) Amendment; Appropriation of Seats (Sudbury and Saint Albans); Municipal Corporations Act Amendment; Removal of Irish Poor; Windsor Suspended Canonries; Trustees (Scotland); Conjugal Rights (Scotland); Public Works (Ireland); Industrial Schools; Wills of Personalty by British Subjects; Statute Law Revision; Government of the Navy; Bankruptcy and Insolvency; Accessories and Abettors; Criminal Statutes Repeal; Larceny, &c.; Malicious Injuries to Property; Forgery; Coinage Offences; Offences against the Person; Public Works and Harbours; Lord Clerk Register Salary Abolition; Durham University; Metropolitan Building Act Amendment; Public Offices Site; Pensions, British Force (India); Edinburgh University; Inland Revenue; Stamp Duties on Probates, &c.; Revenue Departments Accounts; Metropolis Gas Act Amendment; Lace Factories; Gunpowder, &c. Act Amendment; Episcopal and Capitular Estates Act Continuance, &c.; East India Loan (No. 2.); Militia Pay; Militia Ballots Suspension; Wills and Domicile of British Subjects Abroad, &c.; Corrupt Practices Prevention Act (1854) Continuance; Landed Estates (Ireland) Act (1858) Amendment; Metropolitan Police District Receiver; Parochial Offices; Volunteer Tolls Exemption (No. 2.); Treasury Chest Fund; Local Government Supplemental (No. 2.); Officers of Reserve (Royal Navy); Industrial Schools (Scotland); Drainage of Land.

THE GALWAY PACKET SERVICE.

The Marquess of CLANRICARDE wished to put a Question to the noble Lord at the head of the Postal Department, of which he had already given notice, and he hoped some positive answer would be given with regard to the intentions of the Government respecting the postal communication from the port of Galway to the North American colonies. They had been told in that House that they must wait for the answer of the Government until the Committee to which the matter had been referred had made their Report. The Committee had made its Report, the time for which the Prime Minister asked to consider their recommendations had been granted, and it would now be rather strange if Parliament were allowed to separate without any statement of the intentions of Government. If the Government could be supposed to be animated by the most deadly spirit of enmity towards the Galway Packet Company, they could adopt no measure more directly calculated to injure and crush it than by leaving in uncertainty the course which they would ultimately pursue. The Company were not only restrained from pushing their operations with vigour, and from adding to their fleet, but if ultimately no contract were to be granted or revived for establishing a direct postal service between Galway and America, it would be better that the affairs of the Company should at once be wound up. It was notorious that ever since the suspension of the contract the Company had been put to great expense—he would not say in consequence of any promise or engagement, but by the hopes which had been held out that a valuable contract would once more be given to them. In consequence of those inducements a sum of from £50,000 to £60,000 had been expended in the preparation of vessels. Of the whole of this money the shareholders will have been unfairly deprived through the delay of the Government in pronouncing its decision, if eventually that decision should prove unfavourable to their interests. In justice, not only to the shareholders but to the people of Ireland, who felt deeply interested in this question, he hoped their Lordships would receive from the Treasury bench a distinct statement of what the intentions of the Government were, and what the Company had to expect.

Lord MONTEAGLE said, that before his noble Friend the Postmaster General gave any reply to the Question which had been put to him, he wished to call their Lordships' attention to one point which the noble Marquess had overlooked. This subject had been discussed in the other

House of Parliament, where naturally a money question should first be agitated; and the answer then given by a Member of Her Majesty's Government in effect was that the Government were not indisposed to take into their consideration, and, if they thought fit, to submit to the House of Commons, a proposal for establishing a communication between Ireland and America which should be founded upon open competition, and which upon consideration might appear well calculated to answer all the required purposes. He would remind their Lordships that in the report of a Commission on the Packet Service drawn up and presented to Parliament his noble Friend's eminent predecessor (Earl Canning) laid down a rule that, to prevent favouritism to any party, there should be established the principle of open competition for postal contracts. In the case of Galway that wise and just rule had been set aside. The Galway contract did not now exist. It had been put an end to by his noble Friend the Postmaster General, and that decision had been approved by the Ministry at large. Under those circumstances he trusted the Government would, in conformity with Lord Canning's Report, with Lord Palmerston's declaration, and with sound principle and usage, make the future contract a matter, not of favour, but of open competition.

LORD STANLEY OF ALDERLEY said, that when the noble Marquess asked him a similar question on a former accasion, he was not prepared to express any decided opinion on the part of the Government in regard to the proceedings which were then taking place before the Select Committee. That Committee had since reported, and the result of the evidence taken before the Committee and their Report was that, under the circumstances of the case, the Government were justified in putting an end to the contract, as the Company were in a total state of inability to perform its conditions. At the same time the Committee stated that there were circumstances which undoubtedly entitled the Company to favourable consideration, and they expressed an opinion that it would be desirable, if the Company were in a competent condition to continue the contract, that the matter should be reconsidered on a future occasion. The Chairman of the Company, in his evidence before the Committee, distinctly stated that under no circumstances would the Company be prepared to resume the contract until February 1, 1862, and he also stated his opinion to be that the contract could not be conducted with advantage without a considerable departure from the terms originally granted by the Government and accepted by the Company. As he had already stated, the Committee were of opinion that, under the circumstances of the Company and the unfortunate accidents that had occurred, they were entitled to the favourable consideration of the Government. Her Majesty's Government were disposed to give every consideration in their power to the recommendations of the Committee, if at the end of the year, when the proposed time came for renewing the contract, the Company showed they were in a situation faithfully to continue it in conformity with all the conditions of the contract, particularly as to speed, and carrying the mails to St. Johns. As, however, it was impossible for the contract to be entered into until February, 1862, by which time Parliament would have met, it was out of the power of the Government to give any decided or positive opinion, although there was every disposition to deal with the Company as favourably as possible, and to receive any representations they might make as to their position and their ability to fulfil the contract.

PROROGATION OF THE PARLIAMENT.

SPEECH OF THE LORDS COMMISSIONERS.

THE PARLIAMENT was this day prorogued by Commission.

The LORDS COMMISSIONERS — namely, The LORD CHANCELLOR (Lord Westbury); The LORD PRESIDENT OF THE COUNCIL (Earl Granville); The LORD STEWARD (The Earl of St. Germans); The LORD CHAMBERLAIN (Viscount Sydney); and The LORD MONTEAGLE OF BRANDON—being in their robes, and seated on a Form placed between the Throne and the Woolsack; and the COMMONS being come with their Speaker, the ROYAL ASSENT was given to several Bills.

Then THE LORD CHANCELLOR *delivered* the Speech of the LORDS COMMISSIONERS as follows:—

"*My Lords, and Gentlemen,*

"WE are commanded by Her Majesty to release you from further Attendance in Parliament, and at the same Time to convey to you Her Majesty's Acknowledgments for the Zeal and Assiduity with which you have applied yourselves to the Performance of your Duties during the Session of Parliament now brought to a Close.

"Her Majesty commands us to inform you, that Her Relations with Foreign Powers are friendly and satisfactory, and Her Majesty trusts that there is no Danger of any Disturbance of the Peace of *Europe.*

"The Progress of Events in *Italy* has led to the Union of the greater Part of that Peninsula in One Monarchy under King *Victor Emmanuel.* Her Majesty has, throughout, abstained from any active Interference in the Transactions which have led to this Result, and Her earnest Wish as to these Affairs is, that they may be settled in the Manner best suited to the Welfare and Happiness of the *Italian* People.

"The Dissensions which arose some Months ago in the United States of *North America* have, unfortunately, assumed the Character of open War. Her Majesty, deeply lamenting this calamitous Result, has determined, in common with the other Powers of *Europe,* to preserve a strict Neutrality between the contending Parties.

"Her Majesty commands us to inform you that the Measures adopted for the Restoration of Order and Tranquillity in *Syria,* in virtue of Conventions between Her Majesty, The Emperor of *Austria,* The Emperor of the *French,* The King of *Prussia,* The Emperor of *Russia,* and The Sultan, having accomplished their Purpose, the *European* Troops which, in pursuance of those Conventions, were for a Time stationed in *Syria* to co-operate with the Troops and Authorities of The Sultan, have been withdrawn; and Her Majesty trusts that the Arrangements which have been made for the Administration of the Districts which had been disturbed will henceforth secure their internal Tranquillity.

"Her Majesty has seen with Satisfaction the rapid Improvement in the internal Condition of Her *East Indian* Territories, and the Progress which has been made towards equalizing the Revenue and Expenditure of that part of Her Empire.

"*Gentlemen of the House of Commons,*

"Her Majesty commands us to convey to you Her warm Acknowledgments for the liberal Supplies which you have granted for the Service of the present Year; and Her Majesty has seen with Satisfaction that, after amply providing for the Wants of the Public Service, you have been able to make a sensible Diminution in the Taxes levied upon Her People.

"*My Lords, and Gentlemen,*

"Her Majesty commands us to express to you the deep Gratification with which She has witnessed the Spirit of devoted Patriotism which continues to animate Her Volunteer Forces, and the Admiration with which She has observed their rapid Progress in Discipline and Military Efficiency.

"Her Majesty has given Her cordial Assent to the Act for completing the Number of the Members of the House of Commons by allotting the forfeited Seats of *Sudbury* and *Saint Albans.*

"Her Majesty trusts that the Act for improving the Laws relating to

Bankruptcy and Insolvency will be productive of important Advantage to the Trade and Commerce of Her Subjects.

"Her Majesty has given Her ready Assent to Acts for consolidating and assimilating the Criminal Law of *England* and *Ireland,* and for promoting the Revision of the Statute Law.

"Her Majesty has given Her Assent to important Acts which She trusts will have the Effect of opening more largely Employment in the Public Service to the *European* and Native Inhabitants of *India,* of improving the Means of Legislation, of furthering the Ends of Justice, and of promoting the Contentment and Wellbeing of all Classes of Her Majesty's *Indian* Subjects.

"Her Majesty has assented with Pleasure to the Act for the Improvement of Harbours on the Coast of the United Kingdom, and for relieving Merchant Shipping from Passing Tolls, and also to the Act for improving the Administration of the Law relating to the Relief and the Removal of the Poor.

"Her Majesty trusts that the Act for rendering more easy Arrangements connected with the Drainage of Land will assist Agricultural Improvements in many Parts of the United Kingdom.

"Her Majesty has gladly given Her Assent to many other Measures of public Usefulness, the Results of your Labours during the Session now brought to its Close.

"Her Majesty has observed, with heartfelt Satisfaction, the Spirit of Loyalty, of Order, and of Obedience to the Law, which prevails throughout all Her Dominions; and She trusts that by wise Legislation, and a just Administration of the Law, the Continuance of this happy State of Things will be secured.

"On returning to your respective Counties you will still have important public Duties to perform; and Her Majesty fervently prays that the Blessing of Almighty God may attend your Exertions, and may guide them to the Attainment of the Objects of Her Majesty's constant Solicitude—the Welfare and Happiness of Her People."

Then a Commission for proroguing the Parliament was read.

After which

The LORD CHANCELLOR said;

My Lords and Gentlemen,

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to *Tuesday,* the *Twenty-second* Day of *October* next, to be then here holden; and this Parliament is accordingly prorogued to *Tuesday,* the *Twenty-second* Day of *October* next.

* * *

HOUSE OF COMMONS,

Tuesday, August 6, 1861.

THE GALWAY CONTRACT.

OBSERVATIONS.

Mr. BRADY called attention to the Report of the Select Committee on the Galway Contract, and asked the First Lord of the Treasury what were the intentions of Her Majesty's Government as to renewing postal communication between Galway and America? He was desirous of knowing whether Her Majesty's Government would agree to restore the contract, provided the Company proved that they had steamers of sufficient power, and that they were in possession of the requisite amount of capital to fulfil it?

Lord FERMOY wished to ask whether, in considering the question of postal communication between Ireland and the United States, the claims of the harbour of Cork will be regarded? That port was one of the most commodious in the world, and was also advantageous for its security and certainty, and he hoped it would be fairly considered by the Government before they decided upon any particular port.

Viscount PALMERSTON: On a former occasion I stated to the House the general view of Her Majesty's Government upon the question of postal communication between the United Kingdom and North America. I then said that I thought it was very clear that a rapid communication between the United Kingdom and North America, and, more especially, a communication with St. Johns, which would give facilities for telegraphic notices, would be of great advantage to the commerce of the United Kingdom. My opinion remains unchanged. I do not conceive that the advantage would be less to the United Kingdom because that communication, supposing it goes through Ireland, would be attended with benefit to that country; because I think that we ought to look at Ireland in the same manner as a large landed proprietor would look at a portion of his property, the natural resources of which were not fully developed, and with respect to which any moderate and judicious outlay of capital would amply be repaid by the increased value it would give to his estate in general. Considering, then, that Ireland has hitherto been less rich than Great Britain, and has contributed in proportion less to the revenue of the empire, I think that if it could be shown that any arrangement of this sort, while it tended to give advantage to the commerce of the United Kingdom, was also likely to develope the industry and resources of Ireland, then a double advantage would thereby be effected. That seems to be the ground on which the late Government sanctioned the contract with the Atlantic Steam Company; on which that contract was ratified by Parliament, and afterwards adopted by the present Government. The Company, however, appear unfortunately not to have possessed means adequate to carry on the service which they engaged to perform. The project, indeed, had been taken up by a very large number of people in Ireland, and that, not simply as an advantageous speculation, but as a matter of national importance, inasmuch as it was believed it would tend to develope the industry and commerce of the country. It was, therefore, with great regret that the Government felt compelled to put an end to the contract. But they deemed it to be their duty to do so because—owing, I admit, to an unfortunate concurrence of circumstances wholly beyond their own control, to disasters at sea and other accidents—the Company were unable at the time to fulfil the engagements into which they had entered. A Committee of the House has since been employed in investigating the subject, and they have reported that the Postmaster General was justified in putting an end to the contract under the circumstances which I have mentioned. They, however, concluded their Report by strongly recommending that the claims of the Company to re-employment should receive at the hands of the Government favourable consideration. Well, that being so, and being of opinion that the establishment of postal communication between Ireland and America would be of advantage to the empire at large, I should be very much disposed to adopt the recommendation of the Committee, and to give a favourable consideration to the claims of the Company whenever they may be in a position to show that the capital and shipping at their command afford a reasonable prospect of their being able to fulfil the engagements into which they may enter with the Government. Now, I am asked whether we are prepared at this moment to enter into a fresh contract with the Atlantic Company; and my answer to the question must, I am afraid, be in the negative. This is the last day of the Session, and taking into account all that has passed relative to this contract, its origin, and the course subsequently pursued with respect to it, it is, I think, quite clear that we cannot enter into a similar arrangement with the Atlantic, or any other Company, except subject to the subsequent sanction of Parliament. Well, Parliament is about to separate, and will not, I hope, meet again until the beginning of next year, and it would, therefore, it appears to me, be somewhat unseemly now to enter into an engagement which, while it would be necessary that it should be submitted to the consideration of Parliament, could not be so submitted until after the lapse of several months. All I can say is that, if when the proper time comes, the Company should be in a condition to show us that they have the requisite amount of capital and machinery for performing the service across the Atlantic, and should apply for the renewal of the contract, we should look favourably on the application, and should be prepared to take it into our serious consideration with the view of submitting to Parliament any proposition founded upon it which we might deem it expedient to make. I on a former occasion stated that, while I was of opinion the establishment of such a communication as that of which I am speaking was desirable, I thought any future arrangements to effect that object should be the subject of open competition. That opinion has, however, I am bound to say, been a good deal modified by the Report of the Committee, and by what has taken place generally in reference to this matter; because, although unquestionably to resort to open competition in the case of an entirely new contract with this or any other Company would, it seems to me, be the proper mode of proceeding, yet there is much to be said in favour of the adoption of a different course in a case bearing on the interests of a vast number of persons of various classes who have invested their small savings in an enterprise which has been sanctioned by two Governments and by a Resolution of the House of Commons. Strong reasons, at all events, might be advanced for giving a Company so situated the first offer on such terms as might be deemed sufficiently advantageous. Now, assuming that when the proper time arrives arrangements should be made between the Government and this Company, then comes the question raised by my noble Friend the Member for Marylebone (Lord Fermoy) as to the port of departure on which it would be desirable to fix. That, no doubt, is a point which is deserving of consideration; but whether Galway, which in a geographical point of view appears to be the most central and proper port for the purpose, or Cork, or Foynes, which possess advantages of their own, ought to be selected, is, after all, simply a question of practical detail, on which when the time to come to a decision on the matter arrives due weight will, I can assure my noble Friend, be given by the Government to the various circumstances which may recommend the selection of one port rather than another.

Colonel FRENCH, not deeming the answer of the noble Lord quite satisfactory, said, he should next Session take an opportunity of asking the opinion of the House as to whether the conduct of the Postmaster General in putting an end to the contract was justifiable or not.

AMERICAN DUES.—QUESTION.

Mr. WYLD said, he wished to ask the Under Secretary of State for Foreign Affairs, If Her Majesty's Government have received any communication from the President of the United States, or from the British Ambassador at Washington, that it is the intention of the Government of the United States to station vessels off the Ports of the Southern States of America, to collect and levy Duties upon Foreign Merchandize?

Viscount PALMERSTON:—Sir, the Federal Congress have passed a Bill into a law empowering the President, if he should think fit, to do what my hon. Friend says; namely, to station vessels off certain ports in the Southern States for the purpose of their collecting Customs Duties upon goods coming in. My hon. Friend will be aware that this proceeding, if it should be adopted, would be practically a supercession of the blockade, because you cannot blockade a port to prevent ships from entering, and at the same time levy Customs Duties on the assumption that the port is open. We have not yet been informed what are the intentions of the President with regard to the matter, or which of the two modes he will pursue.

BREECH-LOADING RIFLES.
QUESTION.

Colonel DUNNE said, he would beg to ask the Secretary of State for War, Whether any and what steps have been taken as to a decision on the merits of new weapons of war; and whether any breech-loading rifle has been adopted for any branch of our service?

Sir GEORGE LEWIS said, he could reply to the first question of the hon. and gallant Member in the affirmative; and, in answer to the second, that breech-loading carbines had been served out to a portion of the cavalry; but they had not been found to be very successful, and that the making of some improvements in them was a subject under consideration.

PAUPER CHILDREN.—QUESTION.

Mr. COBBETT said, he rose to ask the President of the Poor Law Board, Whether he is aware of any applications having been made by Master Manufacturers of the Northern and Midland Districts to Boards of Guardians of London to send parish poor children as apprentices into such districts?

Sir GEORGE GREY said, he had made inquiry at the Poor Law Board, and found that communications had been received on the subject. The correspondence relating to it was now in print, and would, in conjunction with some Returns with respect to it, which had been moved for in the other House of Parliament, be published in the course of a few days.

ARMING NEAPOLITAN BRIGANDS.

QUESTION.

Mr. DARBY GRIFFITH said, he would beg to ask the First Lord of the Treasury, Whether the Government has received accounts that 30,000 muskets, which had been taken by the French authorities from Neapolitan troops escaping into the Roman territory from before Gaeta, during the siege of that place, have been allowed by the French to be made use of in arming the bands of Brigands and Bourbonists which have been organized within the Papal territory for invasion of the Southern Provinces of Italy?

Viscount PALMERSTON replied that when the Neapolitan troops retired from the siege at Gaeta into the Papal territory they were disarmed by the French, in accordance with the usual course taken when troops entered a neutral territory. The arms had been handed over to the Papal Government, as the Government of the country in which the disarmament took place. Any subsequent distribution of such arms, therefore, must have been by the Papal and not by the French Government. If the hon. Member asked his (Viscount Palmerston's) belief on the matter he had no objection to saying that it was his opinion that a large quantity of those arms had been given to persons sent into the Neapolitan territory for the purpose of creating a disturbance and committing atrocities, but that that had anything to do with the French authorities was entirely out of the question.

SPAIN AND BRITISH SUBJECTS.

QUESTION.

Mr. BLAKE said, he wished to ask, Whether a remonstrance will be addressed to the Spanish Government respecting the treatment of a British subject (the owner of the cargo of the Roman ship *Mio Zio*) at Port Mahon, with the connivance of the Spanish authorities, as detailed in correspondence to the Secretary of State for Foreign Affairs?

Viscount PALMERSTON said, remonstrances had been made on the subject, and the case was now under the consideration of the Spanish Courts of Law, and our Chargé d'Affaires had orders to watch the proceedings.

IRISH BUSINESS.—OBSERVATIONS.

Mr. VINCENT SCULLY rose to call the attention of the House to the acts and omissions of Her Majesty's Government during the present Session, especially as regards Ireland, and to move for a Return specifying the names of all Chief Secretaries for Ireland from the year 1830 to the present time, and the dates of their acceptance of and retirement from office respectively. The hon. Gentleman was proceeding to address the House when—

PROROGATION OF PARLIAMENT.

Message to attend the Lords Commissioners.

The House went, and the Royal Assent was given to several Bills: And afterwards a Speech of the Lords Commissioners was delivered to both Houses by the Lord Chancellor.

Then a Commission for Proroguing the Parliament was read.

After which

The LORD CHANCELLOR said:

My Lords and Gentlemen,

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to *Tuesday* the *Twenty-second* Day of *October* next, to be then here holden; and this Parliament is accordingly prorogued to *Tuesday* the *Twenty-second* Day of *October* next.

APPENDIX.

Speech of the Right Hon. C. P. Villiers *on the "Irremovable Poor Bill," June* 28, 1861.

[A BETTER REPORT.]

Mr. C. P. VILLIERS referring to some misapprehension that prevailed as to the object of this Bill, and to the opinion that it introduced some new principle into the system of settlement, stated that there was nothing new in it, but was simply to give greater effect to a very beneficial measure passed in the last year of Sir Robert Peel's Administration, which was recommended by Sir Robert Peel for the benefit of the poor, but was chiefly intended to compensate the agricultural interest for the loss they apprehended they were to endure from the withdrawal of protection. It was alleged in that day that the burden cast upon the land of maintaining the poor was greatly aggravated by the fact that after the poor had quitted their parishes and had got employment in the manufacturing districts, and sometimes had dwelt there for several years, they were removed back again upon their parishes when a reverse in trade occurred, and their labour was not immediately required, the manufacturers thereby escaping from the liability of their support in distress, though they had the benefit of their labour when prosperous. The Bill then introduced provided that if any poor person had resided in any parish for five years without seeking relief that he should become irremovable from that place, and be relieved there when chargeable; and it was shortly afterwards provided that all such poor persons should when destitute be charged upon what is known by the name of the common fund of the union, and not upon the parish in which they had resided, and which subsequently was extended by charging other classes of poor upon the same fund. It soon became evident, however, that the principle upon which this common fund was originally raised was not applicable to the new charges now cast upon it. The object of that fund, as it was constituted upon the enactment of the New Poor Law, was to defray the charges of the union establishment, including the building of the workhouse and the salaries of the union officers. It was, therefore, deemed equitable that each parish should contribute to that fund in proportion to the use they made of it, and it was determined that an average should be struck of the expenditure in each parish for the maintenance of its poor during the three preceding years, and according to that result would be the proportion which each parish would have to contribute to the common fund—it being supposed that the expenditure of each parish for the support of its own poor depended more or less upon its own management; but, as soon as charges were cast upon this fund for the support of a class of poor, and of objects over which they had no control, it was quite clear that there was no equity whatever in the principle on which that fund was constituted, and that some change in this respect was needed, it having shortly after become apparent (illustrating in a very marked manner the extraordinary injustice of the principle), that in proportion as any parish had more of its own poor to support, so had it a greater contribution to make for the new class of poor (then chargeable on the common fund), who might not even have resided in their parish, and over whom they could exercise no control—and thus, the more poor of its own it had, the more on that account had it to pay for the support of others poor; and that while, if any parish could exempt itself from having poor of its own, it contributed nothing at all to the common fund of its union. This measure, therefore, which in its purpose was both just and wise, became the subject of very general complaint, in consequence of this injustice which was incidental to it, which originally had not been foreseen, and for which no provision had been made subsequently, and had continued to be felt for a period of ten years, and until the year 1858, when a Committee was granted by the Government to inquire into the operation of the Act generally, and into the grounds on which it was especially complained of. This inquiry extended over three Sessions, and after a searching investigation during the last Session came to certain definite resolutions on the subject on which substantially the present Bill is founded. The first of these, after asserting that the law had operated beneficially, and might be extended further with advantage to the poor, recommended that the period of residence for acquiring a status of irremovability should be reduced from five years to three. 2ndly, that the residence should be in the union instead of the parish only, and the 3rd that there should be a different way of computing the contributions of parishes to the common fund. With respect to the two first, the evidence admitted of little difference of opinion, and they were agreed to unanimously by the Committee. They will enable the parish authorities, in the first place, to ascertain with far greater ease whether the period of residence has been completed, according to the requirement of the law, and will, by extending the residence from the parish to the union fulfil with much more fairness the original intention of the act. The most important change, however, in the present law is in the 9th Clause, which provides for the maintenance of the common fund by assessment on the rateable value of all the parishes in the union. There was some difference of opinion on this point, and a plan devised by the right hon. Gentleman the Member for North Wiltshire was proposed, combining the population with the property of a parish, in order to determine its liability to the support of this fund, but without any reference to the sources of the peculiar charges cast upon it. This scheme, under the influence of that right hon. Gentleman in the Committee, was carried by a majority of one, and it so appears to have been adopted by the Committee; but as it had not been supported by any other witness than the right hon. Gentleman, who gave evidence himself in its favour, and that as he had no reason to suppose, from ample and impartial inquiry that he had instituted since the Report had been published, that it was approved of in any part of the country, he had not adopted it in the Bill. The right hon. Gentleman had, however, given notice of proposing it again in the House as an Amendment to that part of the Bill, and he would then be able to explain on what grounds it was to be recommended. He believed that he would find that more than one Member who had voted in its favour upon a misapprehension of its effect had since changed his opinion, and would support the Bill as it had been drawn; and he (Mr. Villiers) trusted, therefore, the House would not adopt the Amendment. The Bill would adequately meet the great injustice which occurred in consequence of the very different circumstances of the different parishes, and correct the anomaly of wealthy proprietors who might own, or with two or three others possess, a whole parish, and by getting their labourers from other parishes where no limit could be placed on the habitations of the poor, could not only escape all charge for any poor of their own, but, also, any liability at all for the poor charged upon the common fund. And though certain parishes by having no dwellings for the poor to occupy and get settlements, might still have no poor of their own, yet the property of those parishes will be made liable in future to the common burdens of the union. He begged the House not to imagine that it was merely an evil that applied to towns, and that the agriculturist was now benefited at the expense of the town. The evil in question is, on the contrary, of frequent occurrence between two parishes of an exclusively agricultural union, or between two parishes in the heart of a great city or manufacturing town, and springs out of the peculiar manner in which property is held or occupied in those places. For instance, in the City of London Union there are upwards of ninety parishes, with every variety of difference among them, and the different liabilities for the support of the poor in those parishes are rendered almost capricious in consequence. The Bank of England, for instance, stands in a parish in which there are no poor, and, therefore, that vast establishment contributes nothing to the common fund. Again, the parish in which St. Katherine Docks are situate, there are hardly any poor, the space being nearly all occupied by the docks, but the neighbouring parishes where the the labourers swarm, and most of whom work in the docks, have not only their own poor to support, but on account of their own being numerous have a much larger contribution to make to the common fund, in support of the poor of other parishes. By reference to the evidence it will be seen that many similar cases are to be found among the agricultural parishes. This Bill, therefore, has not in view the favour of any particular interest. The agriculturists, however, have little to fear now from any increase in the burden of the poor. The last census, if referred to, will clearly show that during the last decennial period there has been a constant tendency to migrate from the country to the town; and that, while in a great number of agricultural counties the population has greatly diminished, the increase in the towns has been greatly in the increase, and has much exceeded that of the whole country which was about 12 per cent. The Bill now before the House is proposed at a time when the benefit by it will be conferred on the poor and the injustice to a vast body of ratepayers will be corrected without any of the risk or injury arising from sudden or violent change. He had taken great pains to ascertain the feeling of the Boards of Guardians and other persons competent to form a correct judgment on the subject, and he could safely say, upon the assurance of the inspectors of the Poor Laws, who had better means throughout the whole country than any other people of judging of such matters, that the great majority of the guardians were in favour of the change proposed, and that, where an opposite opinion exists, it is found to be chiefly among those who have individual and special interests themselves against it. The subject had been, as he had said before, most fully investigated; and the measure then before the House was strictly in conformity with the evidence which was most impartially and fairly taken before a Committee nominated by the last Government, and composed of persons holding very different political opinions. It was not a proposition for a wholesale change in the law of settlement, it was, on the contrary, only a moderate measure in a direction in which the public feeling had long been pointed, and which, if it was now rejected, it could not fail to give a great impetus to the movement in favour of a general and immediate equalization of rates throughout the whole country. He believed, therefore, that the House would act wisely in carrying the measure in the state it was now proposed to them.

[LIST OF THE STATUTES.

A

TABLE OF ALL THE STATUTES

PASSED IN THE THIRD SESSION OF

THE EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM

OF GREAT BRITAIN AND IRELAND.

24° & 25° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

II. An Act to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.

III. An Act to make further Provision respecting certain Payments to and from the Bank of *England*, and to increase the Facilities for the Transfer of Stocks and Annuities, and for other Purposes.

IV. An Act for amending the *Red Sea* and *India* Telegraph Act, 1859.

V. An Act to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund.

VI. An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.

VII. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

VIII. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

IX. An Act to amend the Law relating to the Conveyance of Land for Charitable Uses.

X. An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty.

XI. An Act to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.

XII. An Act for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison, and for the Benefit of *Bethlem Hospital*.

XIII. An Act to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of *East Stonehouse* in the County of *Devon*.

XIV. An Act to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof.

XV. An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess *Alice Maud Mary*.

XVI. An Act to render valid Marriages heretofore solemnized in *Trinity* Church, *Rainow*, and in other Churches and Chapels.

XVII. An Act to amend an Act of the Twentieth and Twenty-first Years of the Reign of Her Majesty, for the Abatement of the Nuisance arising from the Smoke of Furnaces in *Scotland*.

XVIII. An Act to make Provision for the Dissolution of Combinations of Parishes in *Scotland* as to the Management of the Poor.

XIX. An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.

XX. An Act to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties.

XXI. An Act for granting to Her Majesty certain Duties of Excise and Stamps.

XXII. An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Town and Parish of *Burford* in the County of *Oxford*.

XXIII. An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Borough of *Reading*.

XXIV. An Act for confirming a Scheme of the Charity Commissioners for the Hospital of Lady *Katherine Leveson* at *Temple Balsall* in the County of *Warwick*.

XXV. An Act to enable the Secretary of State in Council of *India* to raise Money in the United Kingdom for the Service of the Government of *India*.

XXVI. An Act to amend the *Dublin* Improvement Act, 1849.

XXVII. An Act to declare the Limits within which increased Assessments are authorized to be raised in the City of *Edinburgh*, under the Provisions of the Act of the Twenty-third and Twenty-fourth Years of *Victoria*, Chapter Fifty.

XXVIII. An Act to relieve certain Trusts on the *Holyhead* Road from Debts.

XXIX. An Act to authorize the Removal of the Infirmary for the County of *Cork* from the Town of *Mallow* to the City of *Cork*.

XXX. An Act to declare the Validity of an Act passed by the General Assembly of *New Zealand*, intituled *An Act to provide for the Establishment of New Provinces in* New Zealand.

XXXI. An Act for the Prevention and Punishment of Offences committed by Her Majesty's Subjects within certain Territories adjacent to the Colony of *Sierra Leone*.

XXXII. An Act for confirming a Scheme of the Charity Commissioners for "The Hospital of the Blessed *Trinity*" at *Guildford* in the County of *Surrey*, and its subsidiary Endowments, with certain Alterations.

XXXIII. An Act to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the Public Offices Extension Act of 1859.

XXXIV. An Act to extend the Provisions of the Acts to facilitate the Improvement of Landed Property in *Ireland*, and to further provide for the Erection of Dwellings for the Labouring Poor in *Ireland*.

XXXV. An Act to increase the facilities for the Transfer of Stocks and Annuities transferable at the Bank of *Ireland*, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of *England* and *Ireland* respectively, and for other Purposes.

XXXVI. An Act to amend the Boundaries of Burghs Extension (*Scotland*) Act.

XXXVII. An Act to simplify the Mode of raising the Assessment for the Poor in *Scotland*.

XXXVIII. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.

XXXIX. An Act to confirm certain Provisional Orders under the Local Government Act (1858) relating to the Districts of *Brighton*, *East Cowes*, *Preston*, *Morpeth*, *Bromsgrove*, and *Durham*; and for other Purposes in relation thereto.

XL. An Act to make further Provision for the Management of Her Majesty's Forest of *Dean*, and of the Mines and Quarries therein and in the Hundred of *Saint Briavels* in the County of *Gloucester*.

XLI. An Act to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at *Chatham* in the County of *Kent*, and to embank Part of the River *Medway*; and for other Purposes connected therewith.

XLII. An Act to continue the Duties levied on Coal and Wine by the Corporation of *London*.

XLIII. An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes in *Ireland* by the Prevention of frivolous or fictitious Defences to Actions thereon.

XLIV. An Act to remove Doubts respecting the Authority of the Legislature of *Queensland*, and to annex certain Territories to the Colony of *South Australia*, and for other Purposes.

XLV. An Act to facilitate the Formation, Management, and Maintenance of Piers and Harbours in *Great Britain* and *Ireland*.

XLVI. An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act.

XLVII. An Act to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; to abolish Passing Tolls; and for other Purposes.

XLVIII. An Act to provide for the Costs of certain Proceedings to be taken under the Landlord and Tenant Law Amendment (*Ireland* Act (1860).

XLIX. An Act to enable Justices in *Ireland* to commit to local Bridewells Persons convicted of Drunkenness.

L. An Act for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in *Scotland*.

LI. An Act for granting Pensions to some Officers and Men in the Metropolitan Police Force, and for other Purposes.

LII. An Act to empower the Governors of the several *Australian* Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies.

LIII. An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers.

LIV. An Act to confirm certain Appointments in *India*, and to amend the Law concerning the Civil Service there.

LV. An Act to amend the Laws regarding the Removal of the Poor and the Contribution of Parishes to the Common Fund in Unions.

LVI. An Act to make Provision for Salaries for the Revising Barristers for the City of *Dublin*.

LVII. An Act to continue an Act of the Fifth and Sixth Years of Her Majesty relating to private Lunatic Asylums in *Ireland*.

LVIII. An Act to continue an Act of the Eleventh and Twelfth Years of Her Majesty relating to the Collection of County Cess in *Ireland*.

LIX. An Act to facilitate Proceedings before Justices under the Acts relating to Vaccination.

LX. An Act to amend the Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Sixty-nine, so far as relates to the Time thereby limited for the Publication of the Lists of Voters objected to in *Ireland*.

LXI. An Act to amend the Local Government Act.

LXII. An Act to amend the Act of the Ninth Year of King *George* the Third, Chapter Sixteen, for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of *Cornwall.*

LXIII. An Act to enable Grand Juries in *Ireland* to increase the remuneration of County Surveyors, and for other Purposes.

LXIV. An Act to continue certain Turnpike Acts in *Great Britain.*

LXV. An Act to continue the Survey of *Great Britain, Berwick-upon-Tweed,* and the *Isle of Man.*

LXVI. An Act to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings.

LXVII. An Act to make better Provision for the Constitution of the Council of the Governor General of *India,* and for the Local Government of the several Presidencies and Provinces of *India,* and for the temporary Government of *India* in the event of a Vacancy in the Office of Governor General.

LXVIII. An Act to amend the Laws relating to Attorneys and Solicitors in *Ireland.*

LXIX. An Act to provide for the Formation of Tramways on Turnpike and Statute Labour Roads in *Scotland.*

LXX. An Act for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives and on the Waggons and Carriages drawn or propelled by the same.

LXXI. An Act to provide for the Performance of Duties heretofore performed by the Paymaster of Civil Services in *Ireland* in relation to Advances and Repayments of Public Moneys for Public Works.

LXXII. An Act to make further Provision for the Regulation of the *British* White Herring Fishery in *Scotland.*

LXXIII. An Act to amend the Law relating to the Copyright of Designs.

LXXIV. An Act to render lawful the Enlistment of Persons transferred from the *Indian* to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons.

LXXV. An Act for amending the Municipal Corporations Act.

LXXVI. An Act to amend the Law relating to the Removal of Poor Persons to *Ireland.*

LXXVII. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

LXXVIII. An Act to repeal certain Enactments relating to nominating and appointing the Householders of *Westminster* to serve as Annoyance Jurors, and to make other Provisions in lieu thereof.

LXXIX. An Act to amend the Metropolis Gas Act.

LXXX. An Act to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes.

LXXXI. An Act to repeal the Provisions in certain Statutes relative to the Salary of the Lord Clerk Register in *Scotland.*

LXXXII. An Act for making Provision for the good Government and Extension of the University of *Durham.*

LXXXIII. An Act to amend the Law regarding the Registration of County Voters in *Scotland.*

LXXXIV. An Act to amend the Law in *Scotland* relative to the Resignation, Powers, and Liabilities of gratuitous Trustees.

LXXXV. An Act to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in *Ireland.*

LXXXVI. An Act to amend the Law regarding Conjugal Rights in *Scotland.*

LXXXVII. An Act to amend the Metropolitan Building Act (1855).

LXXXVIII. An Act to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of *Saint James's Park* as a Site for Public Offices.

LXXXIX. An Act to increase the Amount payable out of the Revenues of *India* in respect of the Retiring Pay, Pensions, and other Expenses of that Nature, of Her Majesty's *British* Forces serving in *India.*

XC. An Act to make Arrangements as to the Disposal and Management of Property belonging to the University of *Edinburgh;* and to regulate the Appropriation and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of *Leith,* under the Authority of an Act passed in the First and Second Years of *Victoria,* Chapter Fifty-five.

XCI. An Act to amend the Laws relating to the Inland Revenue.

XCII. An Act to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions.

XCIII. An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Moneys voted for the Revenue Departments.

XCIV. An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Accessories to and Abettors of indictable Offences.

XCV. An Act to repeal certain Enactments which have been consolidated in several Acts of the present Session relating to indictable Offences and other Matters.

XCVI. An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Larceny and other similar Offences.

XCVII. An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Malicious Injuries to Property.

XCVIII. An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to indictable Offences by Forgery.

XCIX. An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin.

C. An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Offences against the Person.

CI. An Act for promoting the Revision of the Statute Law by repealing divers Acts and Parts of Acts which have ceased to be in force.

CII. An Act to amend the Tramways (*Ireland*) Act (1860).

CIII. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-one, and to appropriate the Supplies granted in this Session of Parliament.

CIV. An Act for establishing High Courts of Judicature in *India.*

CV. An Act to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in *England* belonging to Ecclesiastical Benefices.

CVI. An Act to enable the Admiralty to close the Harbour of *Portpatrick* in *Scotland* during the Execution of certain Works in such Harbour sanctioned by Parliament.

CVII. An Act to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in *Scotland.*

CVIII. An Act to provide for the winding up the Naval Medical Supplemental Fund Society.

CIX. An Act to amend the Laws relating to Fisheries of Salmon in *England.*

CX. An Act for regulating the Business of Dealers in Old Metals.

CXI. An Act to amend "The Probates and Letters of Administration Act (*Ireland*) 1857."

CXII. An Act for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of *Sudbury* and *Saint Alban.*

CXIII. An Act for amending and consolidating the Law relating to Industrial Schools.

CXIV. An Act to amend the Law with respect to Wills of Personal Estate made by *British* Subjects.

CXV. An Act for the Government of the Navy.

CXVI. An Act for the Appropriation in favour of the Military Knights and the Churches of *Windsor* of Two of the Canonries suspended in the Chapel of *Windsor,* and for making certain Provisions respecting the Naval Knights of *Windsor.*

CXVII. An Act to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Act.

CXVIII. An Act to enable the Secretary of State in Council of *India* to raise Money in the United Kingdom for the Service of the Government of *India.*

CXIX. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain and Ireland;* to grant Allowances in certain cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.

CXX. An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

CXXI. An Act to amend the Law in relation to the Wills and Domicile of *British* Subjects dying whilst resident Abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions.

CXXII. An Act to continue the Corrupt Practices Prevention Act (1854).

CXXIII. An Act to reduce and alter the Rate of Duty payable on Proceedings under the Statute of the Twenty-first and Twenty-second Years of *Victoria,* Chapter Seventy-two, Section Eighty-eight; and for other Purposes.

CXXIV. An Act for amending the Law relating to the Receiver for the Metropolitan Police District; and for other Purposes.

CXXV. An Act to enable Overseers in populous Parishes to provide Offices for the proper Discharge of Parochial Business.

CXXVI. An Act to exempt the Volunteer Forces of *Great Britain* from the Payment of Tolls.

CXXVII. An Act for limiting and regulating the Treasury Chest Fund.

CXXVIII. An Act to confirm certain Provisional Orders under the Local Government Act (1858), relating to the Districts of *Plymouth, Weston-super-Mare, Llanelly,* and *Llandilo;* and for other Purposes in relation thereto.

CXXIX. An Act to enable Her Majesty to accept the Services of Officers of the Merchant Service as Officers of Reserve to the Royal Navy.

CXXX. An Act for amending an Act passed in the last Session of Parliament to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks.

CXXXI. An Act to continue the Act concerning the Management of Episcopal and Capitular Estates in *England,* and further to amend certain Acts relating to the Ecclesiastical Commissioners for *England.*

CXXXII. An Act for consolidating and amending the Law relating to Industrial Schools in *Scotland.*

CXXXIII. An Act to amend the Law relating to the Drainage of Land for Agricultural Purposes.

CXXXIV. An Act to amend the Law relating to Bankruptcy and Insolvency in *England.*

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act to repeal the Act of the Third Year of the Reign of Her present Majesty, entitled *An Act for more effectually repairing and improving the Road from* Edenfield Chapel *to* Little Bolton, *and certain Branch Roads connected therewith, all in the County Palatine of* Lancaster; and to confer other Powers in lieu thereof.

ii. An Act to grant further Powers to the *Bristol and South Wales Union* Railway Company with reference to their Capital and Borrowing Powers; to extend the Periods limited for Completion of the Works; to amend the Act relating to the Company; and for other Purposes.

iii. An Act to consolidate the Capital Stock or Shares of "The City of *Dublin* Steam Packet Company;" and for other Purposes.

iv. An Act for conferring on the Local Board of Health for the District of *Wallasey* further Powers for raising Money; for the Acquisition of *Seacombe Ferry*; and for incorporating the said Board; and for other Purposes.

v. An Act to continue the *Biddenden* Turnpike Trust in the County of *Kent;* and for other Purposes.

vi. An Act to repeal the Act for more effectually repairing and improving the Road from the West End of *Gainsburgh Bridge* to *East Retford* and to *Gringley-on-the-Hill* in the County of *Nottingham,* and to make other Provisions in lieu thereof.

vii. An Act for authorizing the Corporation of the Borough of *Preston* to establish and regulate Markets and Fairs, to erect a Town Hall, an Exchange, and Public Offices, and make new Streets in *Preston;* and for other Purposes.

viii. An Act to authorize the Consolidation into One Undertaking of the *Inverness and Nairn* and *Inverness and Aberdeen Junction* Railways, and the Union into One Company of the Two Companies to which the said Railways respectively belong.

x. An Act for making a Railway from *Blackpool* in the County of *Lancaster* to *Lytham* in the same County.

x. An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to raise additional Money; and for other Purposes.

xi. An Act to enable the *Dublin, Wicklow, and Wexford* Railway Company to make a Deviation in their authorized Railway; and for other Purposes.

xii. An Act to enable the *South-eastern* Railway Company to raise a further Sum of Money, and to increase their Subscription to the Undertaking of the *Charing Cross* Railway Company.

xiii. An Act to authorize the *Shrewsbury and Welchpool* Railway Company to widen their *Minsterley* Branch; and for other Purposes.

xiv. An Act to enable the Corporation of the City of *Bristol* to purchase *Durdham Down,* and to secure *Durdham Down* and *Clifton Down* as Places for public Recreation.

xv. An Act for enabling the *Exeter and Exmouth* Railway Company to regulate their Capital, to raise further Capital; and for other Purposes connected with their Undertaking.

xvi. An Act to authorize the making of a Railway in *Scotland,* to be called the *Strathspey* Railway.

xvii. An Act to enable the *Oswestry and Newtown* Railway Company to construct additional Lines of Railway to *Llanfyllin* and *Kerry* in the County of *Montgomery;* and for other Purposes.

xviii. An Act to enable the *Inverness and Aberdeen Junction* Railway Company to construct a Branch Railway from their *Alves* Station to the Town and Harbour of *Burghead;* to provide additional Station Accommodation at *Inverness;* and for other Purposes.

xix. An Act to repeal an Act of the Eleventh Year of the Reign of King *George* the Fourth, for improving several Roads and making certain new Roads in the Counties of *Devon* and *Somerset* leading to and from the Town of *Tiverton,* and for amending an Act of His present Majesty for repairing several Roads leading from and through the Town of *Wiveliscombe;* and to make other Provisions in lieu thereof.

xx. An Act to repeal an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for repairing, improving, and maintaining in repair the Road from* Brandlesome Moss Gate *in the Township of* Elton *to the* Duke of York *Public House in the Township of* Blackburn, *and a Branch Road therefrom, all in the County Palatine of* Lancaster; and to make other Provisions in lieu thereof.

xxi. An Act to enable the Borough of *Portsmouth* Waterworks Company to raise further Money; and for other Purposes.

xxii. An Act to enable the *Witney* Railway Company to make a Road to their Station at *Witney;* and for other Purposes.

xxiii. An Act to enable the Mayor, Aldermen, and Burgesses of *South Shields* to maintain a Quay there; and for other Purposes.

xxiv. An Act for incorporating the *Clitheroe* Gaslight Company; for the Regulation of their Capital; and for other Purposes.

xxv. An Act to repeal *An Act for more effectually amending the Road from* Oldham *in the County of* Lancaster *to* Ripponden *in the County of* York, *and other Roads in the same Counties, and for making and maintaining a new Branch to communicate therewith,* and to make other Provisions in lieu thereof, so far as regards the said Road from *Oldham* to *Ripponden*, and the other Roads already made in connexion therewith.

xxvi. An Act to repeal the Act of the 7th Year of His late Majesty King *George* III., Chapter III., and to make better Provision for the managing of certain Lands in the County of *Westmoreland* called *Kendal Fell* Lands.

xxvii. An Act for extending the Term and amending the Provisions of the Act relating to *Kingston-upon-Thames and Leatherhead* Turnpike Road in the County of *Surrey*.

xxviii. An Act to empower the *Bradford, Wakefield, and Leeds* Railway Company to construct a Railway from *Ossett* to join the *London and North-western* Railway at or near *Batley*, all in the West Riding of the County of *York;* and for other Purposes.

xxix. An Act to divert certain Portions of the Railway from *Kilrush* to *Kilkee*, and to deepen and improve the Creek or Harbour of *Kilrush*.

xxx. An Act to enable the *Morayshire* Railway Company to extend their Railway to the *Strathspey* Railway; and for other Purposes.

xxxi. An Act for authorizing the *Stratford-upon-Avon* Railway Company to raise additional Capital; and for other Purposes.

xxxii. An Act for making a Railway from *Wrexham* to *Minera*, and for other Purposes.

xxxiii. An Act to amend "The *Dewsbury, Batley,* and *Heckmondwike* Waterworks Act, 1856;" and to authorize the Construction of new Works; and for other Purposes.

xxxiv. An Act to enable the *Lancashire and Yorkshire* Railway Company to make a Railway from *Aintree* to *Bootle*, with certain Branch Railways, all in *Lancashire;* and for other Purposes relating to the same Company.

xxxv. An Act to authorize the Construction of a Railway between *Garston* and *Liverpool*, and for other Purposes.

xxxvi. An Act to define and increase the Capital of the *Great Western* Railway Company, and for other Purposes.

xxxvii. An Act to enable the *Lancashire and Yorkshire* Railway Company to raise a further Sum of Money; and for other Purposes.

xxxviii. An Act to continue the existing Borrowing Power of *Price's* Patent Candle Company (Limited).

xxxix. An Act for lighting with Gas the Town and Neighbourhood of *Haslingden* in *Lancashire*.

xl. An Act to amend an Act passed in the Session of Parliament holden in the 11th and 12th Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for incorporating the* North of Scotland *Fire and Life Assurance Company, under the Name of the* Northern *Assurance Company; for enabling the said Company to sue and be sued, and to take, hold, and transfer Property; for confirming the Rules and Regulations of the said Company; and for other Purposes relating thereto;* and to vary, extend, and enlarge certain of the Powers of the said Company; and for other Purposes relating to the said Company.

xli. An Act for better lighting with Gas the Borough of *Swansea* and the Neighbourhood thereof.

xlii. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to make new and widen existing Streets within the Borough; and for other Purposes.

xliii. An Act to amend and extend the Acts relating to the *Newcastlé-under-Lyne Marsh* Lands; to incorporate the Trustees under the said Acts; and for other Purposes.

xliv. An Act for making a Railway from the *London and North-western* Railway at *Nantwich* in the County of *Chester* to *Market Drayton* in the County of *Salop*.

xlv. An Act for better supplying with Water the Borough of *Neath* and the adjacent District in the County of *Glamorgan*.

xlvi. An Act for authorizing the *Dartmouth and Torbay* Railway Company to raise further Monies; and for other Purposes.

xlvii. An Act to incorporate the *Northampton* Waterworks Company; to enable them to better supply the Town of *Northampton* and the several Townships and Places adjacent thereto with Water; and for other Purposes.

xlviii. An Act for the better Drainage and Improvement of certain Low Lands and Grounds, formerly Common, within the Manors of *Baschurch, Hordley, Stanwardine-in-the-Wood, Weston Lullingfield,* and *Stanwardine in-the-Fields*, and of certain other Lands adjoining or near thereto, all situate in the County of *Salop*.

xlix. An Act to authorize the Mayor, Aldermen, and Burgesses of *Kilkenny* to make a General Market in the City of *Kilkenny;* and for other Purposes.

l. An Act to enable the *Lancashire and Yorkshire* Railway Company to construct Branch Railways to *Dewsbury, Heckmondwike,* and *Meltham;* to purchase additional Lands at *Rochdale* and *Miles Platting;* and for other Purposes.

li. An Act for making a Railway from the *Taff Vale* Railway in the Parish of *Lantwit Vardre* in the County of *Glamorgan* to *Llantrissant* in the same County, with Branches therefrom, to be called "The *Llantrissant and Taff Vale Junction* Railway;" and for other Purposes.

lii. An Act to abolish and dismarket *Newgate Market* in the City of *London*, and to facilitate the Removal of Shambles and Slaughter-houses and other Nuisances and Obstructions in the Vicinity of the said Market, and to authorize the Erection of Dwelling Houses or Shops or other Buildings on the Site thereof; and for other Purposes.

liii. An Act to incorporate a Company for supplying Gas to *Uxbridge* and certain Places in the Neighbourhood of the same.

liv. An Act for enabling the *West Cornwall* Railway Company to create Debenture Stock; and for other Purposes.

lv. An Act for better supplying with Water *Sandown, Lake, Shanklin, Brading, Newchurch, Ryde,* and other Places in the Parishes of *Brading, Shanklin,* and *Newchurch,* and the several Parishes and Places adjacent thereto, in the *Isle of Wight* and County of *Southampton;* and for other Purposes.

lvi. An Act for dissolving and re-incorporating the *Huddersfield* Registered Gaslight Company, and for conferring upon them further Powers for the Supply of Gas to the Borough of *Huddersfield*, and certain neighbouring Townships and Places.

lvii. An Act to enable the *Midland* Railway Company to make new Railways; and for other Purposes.

lviii. An Act to enable the *Ryde* Commissioners to better supply with Water the Town of *Ryde* and the Places adjacent thereto, in the *Isle of Wight;* and for other Purposes.

lix. An Act for maintaining certain Roads and Bridges in the County of the Borough and Town of *Berwick-upon-Tweed* and Counties of *Northumberland* and *Berwick*, and for the Liquidation of the Debt due on the Security of the Tolls taken on the said Roads and Bridges.

lx. An Act to authorize the *Leeds, Bradford and Halifax Junction* Railway Company to construct a Branch Railway to join the *Birstal* Branch of the *London and North-western* Railway at *Batley* in the West Riding of the County of *York;* and for other Purposes.

lxi. An Act for incorporating the *Universal* Private Telegraph Company, and to enable the said Company to work certain Letters Patent.

lxii. An Act to enable the *Whitehaven, Cleator, and Egremont* Railway Company to extend their Railway from *Frizington* to *Lamplugh* in the County of *Cumberland;* to widen and enlarge their present Railway and Works; to raise further Capital; and for other Purposes.

lxiii. An Act for authorizing the *Stockton and Darlington* Railway Company to make and maintain a new Branch Railway, and to abandon the making of one of their authorized Branch Railways; and for other Purposes.

lxiv. An Act to authorize the entire Abandonment of the *Bangor* Branch of the *Belfast and County Down* Railway.

lxv. An Act to enable the *Mid-Wales* Railway Company to make a Deviation in their authorized Railway; and for other Purposes.

lxvi. An Act for the Enlargement and Regulation of the *Manchester London Road* Station, and for other Purposes.

lxvii. An Act to enable the *Great Northern and Western* (*of Ireland*) Railway Company to extend their Railway to *Westport;* and for other Purposes.

lxviii. An Act for supplying with Gas the Township of *Elland-cum-Greetland* and adjacent Places in the Parish of *Halifax* in the West Riding of the County of *York*, and for other Purposes.

lxix. An Act to enable the *Portadown, Dungannon, and Omagh Junction* Railway Company to make a Branch Railway to *Aughnacloy* in the County of *Tyrone;* to amend the Acts relating to the Railway; and for other Purposes.

lxx. An Act to vest in the *Great Northern* Railway Company the *Hertford, Luton, and Dunstable* Railway, and for other Purposes relating to the same Company.

lxxi. An Act to authorize the Construction of Bridges over Highways and Arches under a Turnpike Road and Highways in the Parishes of *Wolstanton* and *Audley* in the County of *Stafford*, and for other Purposes.

lxxii. An Act to authorize the making of a Railway from the *Stockton and Darlington* Railway at or near the *Frosterly* Station to *Newlandside* near *Stanhope*, with a Road Approach from *Stanhope*, all in the County of *Durham;* and for authorizing Working Arrangements with the *Stockton and Darlington* Railway Company; and for other Purposes.

lxxiii. An Act for making a Railway from *Uxbridge* in the County of *Middlesex* to *Rickmansworth* in the County of *Hertford*, with a Branch to *Scott's Bridge Mill*, to be called "The *Uxbridge and Rickmansworth* Railway," and for other Purposes.

lxxiv. An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to raise further Money; and for other Purposes.

lxxv. An Act for the *Manchester and Wilmslow* Turnpike Roads in the Counties Palatine of *Lancaster* and *Chester*.

lxxvi. An Act for making and maintaining of the *Henley-in-Arden* Railway, and for other Purposes.

lxxvii. An Act to enable the Local Board of Health for the Township of *Darlington* to supply Gas and Water in the adjoining Townships of *Cockerton, Blackwell, Whessoe*, and *Haughton-le-Skerne;* to enlarge Market Place, erect a covered Market, make and improve Roads; to vest in the Local Board all the Powers of the Burial Board; to raise additional Money; to levy and alter Tolls and Rates; and amend Acts relating to the Local Board; and for other Purposes.

lxxviii. An Act to make further Provision for the Draining, Warping, and Improvement of *Thorne Moor* in the West Riding of *Yorkshire*.

lxxix. An Act for authorizing the Dock Company at *Kingston-upon-Hull* to make and maintain an additional Dock at *Kingston-upon-Hull* (to be called the Western Dock), and a Railway to connect the same with the *Hull and Selby* Railway; to alter a Part of the Line of the *Hull and Selby* Railway, and to construct other Works at *Kingston-upon-Hull;* for amending the Acts relating to the Company; for granting more effectual Powers for the Regulation and Management of their Docks; and for other Purposes.

lxxx. An Act for incorporating the *Sowerby Bridge* Gas Company; for enabling the Company to raise further Capital; for better supplying *Sowerby Bridge* and the Neighbourhood thereof with Gas; and for authorizing the Sale of the Undertaking of that Company, and also of the Rights and Powers of the *Sowerby Bridge* Gas Consumers Company (Limited); and for other Purposes.

lxxxi. An Act to grant further Powers to the *Victoria* Station and *Pimlico* Railway Company, with reference to their Share and Loan Capital; and to sanction certain Agreements with the *Great Western* and *London, Chatham, and Dover* Railway Companies; and for other Purposes.

lxxxii. An Act to authorize the Construction of a Bridge across the River *Clwyd*, to be called "The *Rhyl Bridge*."

lxxxiii. An Act to enable the Right Honourable *William* Earl of *Lonsdale* to make and maintain a Dock or Tidal Basin at *Workington* in the County of *Cumberland*, and a Railway therefrom to join the *Whitehaven Junction* Railway; and for other Purposes.

lxxxiv. An Act to enable the *Edinburgh and Glasgow* Railway Company to raise additional Capital.

lxxxv. An Act for incorporating the *Scottish* Widows Fund and Life Assurance Society, and for other Purposes relating thereto.

lxxxvi. An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to make new Railways in the Counties of *Derby* and *Lincoln ;* to improve their Station at *Ardwick;* and for other Purposes.

lxxxvii. An Act to authorize the *Wycombe* Railway Company to extend their Railway to *Aylesbury* and to *Oxford ;* and for other Purposes.

lxxxviii. An Act to repeal an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing the Road leading from* Ealand *to the Town of* Leeds *in the West Riding of the County of* York; and granting more effectual Powers in lieu thereof.

lxxxix. An Act for making a Railway from *Banbridge* to *Ballyroney*, with a Branch Railway therefrom to *Rathfriland*, to be called "The *Banbridge Extension* Railway," and for other Purposes.

xc. An Act to revive the Powers for the Purchase of Lands, and to extend the Time for the Completion of Works authorized by the "*Llanidloes and Newtown* Railway (Canal Extension) Act, 1859," and to authorize the *Llanidloes and Newtown* Railway Company to raise additional Capital; and for other Purposes.

xci. An Act to amend the Acts relating to the River *Tyne ;* and to enable the *Tyne* Improvement Commissioners to construct Docks and other Works, and to remove and rebuild the Bridge of *Newcastle-upon-Tyne ;* to make certain Alterations in the Rates charged by the Commissioners; and for other Purposes.

xcii. An Act to empower *Bonelli's* Electric Telegraph Company (Limited) to acquire and work Letters Patent relating to Electric Telegraphs; and for other Purposes.

xciii. An Act for authorizing the *Charing Cross* Railway to make a line of Railway from their authorized Line into the City of *London*, with an additional Line in *Southwark*, and to raise further Monies; and for other Purposes.

xciv. An Act to extend the Limits of the *Dewsbury and Batley* Gas Company to Part of the Township of *Thornhill ;* to authorise the said Company to raise more Money; to amend their Act; and for other Purposes.

xcv. An Act for the Incorporation of the *Burton-upon-Trent* Waterworks Company, and for authorizing them to supply with Water the Town of *Burton-upon-Trent* and the Township of *Barton-under-Needwood* and the Neighbourhoods thereof; and for other Purposes.

xcvi. An Act to enable the *Dunblane, Doune, and Callander* Railway Company to Create Preference Shares; and for other Purposes.

xcvii. An Act for incorporating the *Whitworth Vale* Gas Company (Limited), and extending their Powers, and for other Purposes.

xcviii. An Act to enable the *Blyth and Tyne* Railway Company to make a Railway from their Main Line of Railway to *Newcastle-upon-Tyne* and certain Branch Railways in the County of *Northumberland ;* to grant further Powers to the Company; to amend the Acts relating to the Company; and for other Purposes.

xcix. An Act to enable the *Limerick and Foynes* Railway Company to raise further Sums.

c. An Act for paving, draining, cleansing, lighting, and otherwise improving the District comprised within the Boundaries of the Township of *Middleton* in the Parish of *Middleton*, and the Township of *Tonge* in the Parish of *Prestwich-cum-Oldham*, both in the County of *Lancaster ;* and for other Purposes.

ci. An Act to enable the *Lancashire and Yorkshire* Railway Company to make a Railway between *Salford* and the *Victoria* Station at *Manchester ;* and for other Purposes relating to the same Company.

cii. An Act for making a Railway from the *Hawick* Line of the *North British* Railway near *Galashiels* to *Peebles*, and for other Purposes.

ciii. An Act for making Railways from the *Oswestry and Newtown* Railway near *Montgomery* to *Bishops Castle* and other Places in the County of *Salop*.

civ. An Act to enable the Burial Board of the Parish of *Liverpool* to acquire certain lands at *Walton-on-the-Hill* in *Lancashire*.

cv. An Act to enable the *Kingstown* Waterworks Company to abandon a Portion of their authorized Works, and to construct and maintain other Works; and for other Purposes.

cvi. An Act for enabling the *Midland* Railway Company to construct Works and to acquire additional Lands in the Counties of *Derby, Lancaster, Nottingham, Warwick,* and *Gloucester,* and the West Riding of the County of *York ;* for vesting in them the undertaking of the *Dursley and Midland Junction* Railway Company; and for other Purposes.

cvii. An Act to authorize the *Cork and Youghal* Railway Company to extend their Railway in *Youghal ;* and to amend the Acts relating to the Company.

cviii. An Act for incorporating "The *East India* Irrigation and Canal Company;" and for other Purposes connected therewith.

cix. An Act for better supplying with Gas the Townships of *Atherton, Bedford, Pennington, Tyldesley-cum-Shackerley, West Leigh,* and other Places in the County of *Lancaster*.

cx. An Act for enabling the *London and North-western* Railway Company to construct new Railways from near *Stockport* to *Northenden* Road near *Cheadle*, and from *Chelford* to *Knutsford*, with Branches therefrom respectively; and for other Purposes.

cxi. An Act for making Railways between the *London and South-western* Railway at *Alton, Alresford,* and the Railway of the *London and South-western* Railway Company near to *Winchester*, and for other Purposes.

cxii. An Act for erecting a Suspension Bridge from *Clifton* in the City and County of *Bristol* to the Parish of *Long Ashton* in the County of *Somerset*.

cxiii. An Act for authorizing the *Cheshire Midland* Railway Company to make a Deviation of their authorized Line of Railway; and for authorizing Working and other Arrangements between them and the *Manchester, Sheffield, and Lincolnshire* Railway Company; and for other Purposes.

cxiv. An Act to provide for the leasing of the *Peebles* Railway to the *North British* Railway Company.

cxv. An Act for the Building of a new Church in the Township of *Shireoaks* in the Parish of *Worksop* in the County of *Nottingham ;* and for other Purposes.

cxvi. An Act for granting further Powers to the *Weston-super-Mare* Gaslight Company, and for extending their Limits for supplying Gas.

cxvii. An Act to incorporate a Company for making a new Bridge from *Lambeth* to *Westminster*.

cxviii. An Act for transferring from the Grand Jury of the County of *Dublin* to the Commissioners of *Kingstown* the Management of the Roads and Bridges in the said Town, and for better improving the same.

cxix. An Act for making and maintaining a Railway from *Wivenhoe* to *Brightlingsea*, both in the County of *Essex*, and for other Purposes.

cxx. An Act for making a Railway from the *London, Brighton, and South Coast* Railway in the Parish of *Eastergate* in the County of *Sussex* to *Bognor*; and for other Purposes.

cxxi. An Act to increase the Capital and amend the Powers of the *Portsea Island* Gaslight Company.

cxxii. An Act for making a Railway from the *Ulster* Railway near *Lisburn* to the *Belfast and Northern Counties* Railway at *Antrim*, to be called "The *Dublin and Antrim Junction* Railway," and for other Purposes.

cxxiii. An Act for enabling the *London and North-western* Railway Company to acquire additional Lands in connexion with their *Chester and Holyhead* Railway; for renewing certain Powers as to Steamboats; and for other Purposes.

cxxiv. An Act to empower the *Penarth* Harbour, Dock, and Railway Company to raise a further Sum of Money; to make a Road between their Harbour and *Cardiff*; and for other Purposes.

cxxv. An Act for authorizing the Abandonment of the *Thames Haven* Dock and the Dissolution of the Company, and for other Purposes.

cxxvi. An Act for altering the Constitution of the *Westminster* Improvement Commission; for the compulsory Purchase of Lands and the Completion of the Improvements; for facilitating the Sale, Exchange, and Lease of Lands discharged from Incumbrances; and for winding up the Affairs of the Commission; Borrowing Power; and for other Purposes.

cxxvii. An Act to enable the *Sittingbourne and Sheerness* Railway Company to raise additional Capital; to alter, amend, and repeal some of the Provisions of the Acts relating to the Company; and for other Purposes.

cxxviii. An Act for enabling the *London and North-western* Railway Company to construct Railways from *Edgehill* to near *Bootle*, from *Winwick* to *Golborne*, and from *Aston* to *Ditton*, with a Branch to *Runcorn*; to enlarge their *Lime Street* and *Wapping* Stations at *Liverpool*; and for other Purposes.

cxxix. An Act to authorize the Construction of a Railway in *Ireland*, to be called "The *Downpatrick and Newry* Railway."

cxxx. An Act for enabling the *London and North-western* Railway Company to construct Railways from *Eccles* through *Tyldesley* to *Wigan*, with a Branch to *Bedford* and *Leigh*; and for other Purposes.

cxxxi. An Act to authorize the *Fife and Kinross* Railway Company to raise additional Capital.

cxxxii. An Act to empower the *North London* Railway Company to widen a Portion of their Railway; and for other Purposes.

cxxxiii. An Act to authorize the *Metropolitan* Railway Company to make certain Improvements in their Communication with the *Great Northern* Railway and the *Metropolitan* Meat Market at *Smithfield*; to authorize the Purchase of Additional Lands for Purposes connected with that Railway; to authorize Arrangements with the Corporation of *London*, and with certain Railway Companies; for amending the Acts relating to the Company; and for other Purposes.

cxxxiv. An Act for vesting the *Birkenhead* Railway in the *London and North-western* Railway Company and the *Great Western* Railway Company, and for other Purposes.

cxxxv. An Act to enable the *North-eastern* Railway Company to construct a Branch Railway between the *North Yorkshire and Cleveland* Railway at *Castleton* and the *Whitby and Pickering* Railway; to make a Deviation in and abandon Part of the last-mentioned Railway; to acquire additional Lands; and for other Purposes.

cxxxvi. An Act to authorize the *South Staffordshire* Railway Company to raise additional Capital; and for other Purposes.

cxxxvii. An Act for more effectually supplying Water to several Towns and Places in *Essex* by a Company to be called "*South Essex* Waterworks Company."

cxxxviii. An Act for making a Railway from the *Londonderry and Enniskillen* Railway in the County of *Tyrone* to the Town of *Bundoran* in the County of *Donegal*, and for other Purposes.

cxxxix. An Act to enable the *Midland* Railway Company to make Railways from the *Leeds* and *Bradford* Line of their Railway to *Otley and Ilkley* in the West Riding of the County of *York*; and for other Purposes.

cxl. An Act to provide for the future Election of Commissioners, to confirm certain Acts of the present Commissioners, and to consolidate in One Act the various Provisions for the Management and Regulation of the Port and Harbour of *New Ross* in the Counties of *Wexford* and *Kilkenny*.

cxli. An Act to enable the *North-eastern* Railway Company to construct Branch Railways between *Arthington, Otley*, and *Ilkley*; and for other Purposes.

cxlii. An Act to authorize the Construction of a Railway from the *Great Southern and Western* Railway near *Parsonstown* to *Portumna Bridge* on the River *Shannon*, and for other Purposes.

cxliii. An Act for incorporating the *West Cheshire* Railway Company, and for authorizing them to make and maintain Railways from *Northwich* to *Helsby*; and for other Purposes.

cxliv. An Act for reviving the Powers of the *Rhymney* Railway Company with respect to their *Bargoed Rhymney* Branch Railway, and for authorizing them to raise further Monies; and for other Purposes.

cxlv. An Act to incorporate the City of *Glasgow* Life Assurance Company, and for other Purposes.

cxlvi. An Act to enable the *Staffordshire Potteries* Waterworks Company to extend their Works, and to raise additional Capital; and to amend the Act relating to the said Company.

cxlvii. An Act to enable the *Great Southern and Western* Railway Company to make a Railway from *Roscrea* in the County of *Tipperary* to *Birdhill* in the same County; and for other Purposes.

cxlviii. An Act to enable the *Great Southern and Western* Railway Company to raise further

Sums; and to amend the Provisions of the Acts of that Company with respect to the Transfer of Stock; and to enable them to acquire certain Shares in the Undertaking of the *Limerick and Castle Connell* Railway Company, now held by the *Midland Great Western* Railway of *Ireland* Company, and to purchase additional Lands; and for other Purposes.

cxlix. An Act for the better Drainage of the *Greetwell* District in the County of *Lincoln.*

cl. An Act to enable the *Manchester and Milford* Railway Company to construct a Branch Railway from the *Devil's Bridge* to *Aberystwith;* and for other Purposes.

cli. An Act for extending the Limits within which the *Grand Junction* Waterworks Company may supply Water, and for other Purposes.

clii. An Act to confer additional Powers upon the *Wolverhampton* New Waterworks Company; and for other Purposes.

cliii. An Act to enable the *Great North of Scotland* Railway Company to enlarge their Stations at *Kittybrewster* and at *Aberdeen,* and to alter the Line and Levels of their Dock Branch.

cliv. An Act for incorporating the *Fylde* Waterworks Company; and for authorizing them to make and maintain Waterworks, and to supply Water at *Kirkham, Lytham, Blackpool, Fleetwood, Poulton, Rossall, Garstang, Southshore,* and *Bispham* in the County Palatine of *Lancaster,* and to Shipping at *Fleetwood* and *Lytham.*

clv. An Act to make better Provision for supplying with Water the Town and Township of *Blackburn,* and the Townships of *Lower Darwen, Livesey, Witton, Oswaldtwistle* and *Little Harwood;* and for other Purposes.

clvi. An Act to authorize the Construction in *Lincolnshire* of a Railway from the River *Trent* across the River *Ancholme* to the *Manchester, Sheffield and Lincolnshire* Railway.

clvii. An Act for enabling the *Stockton and Darlington* Railway Company to raise additional Capital; and for other Purposes.

clviii. An Act for the Amalgamation of the *Leven* and *East of Fife* Railway Companies.

clix. An Act to enable the *Leven* and *East of Fife* Railway Companies to extend the *East of Fife* Railway to *Anstruther.*

clx. An Act for the draining of Lands in *Airedale,* adjoining and near to the River *Aire,* in the West Riding of the County of *York;* and for other Purposes.

clxi. An Act to enable the *Londonderry and Lough Swilly* Railway Company to extend their Railway to *Buncrana* in the County of *Donegal.*

clxii. An Act to authorize the *Swansea Vale* Railway Company to make certain new Railways; and for other Purposes.

clxiii. An Act to enable the *Dumfries, Lochmaben, and Lockerby Junction* Railway Company to divert their authorized Line of Railway; and for other Purposes.

clxiv. An Act for making a Railway from the *Great Western* Railway to *Hammersmith,* to be called "The *Hammersmith and City* Railway," and for other Purposes.

clxv. An Act to authorize the Construction of a Railway in the West Riding of *Yorkshire,* to be called "The *Barnsley Coal* Railway."

clxvi. An Act for the Enlargement, Regulation, and Management of "The *Citadel* Station" at *Carlisle,* situate at the Junction of the *Lancaster and Carlisle* and the *Caledonian* Railways and for other Purposes.

clxvii. An Act to authorize the Construction of a Railway from the *Berks and Hants Extension* Railway to *Marlborough* in *Wiltshire.*

clxviii. An Act for making a Railway from the *Limerick and Foynes* Railway to the Town of *Newcastle* in the County of *Limerick,* to be called "The *Rathkeale and Newcastle Junction* Railway," and for other Purposes.

clxix. An Act for the Extension of the *South Yorkshire* Railway across the *Trent* near *Keadby* in *Lincolnshire,* and for granting further Powers to the *South Yorkshire* Railway and River *Dun* Company.

clxx. An Act for better supplying with Gas the Borough of *Wigan* and other Places adjacent thereto in the County Palatine of *Lancaster.*

clxxi. An Act to grant further Powers to the *Waveney Valley* Railway Company as to their Capital.

clxxii. An Act to enable the Lord Mayor, Aldermen, and Burgesses of *Dublin* to construct additional Waterworks; and for other Purposes.

clxxiii. An Act for the further Improvement of the Borough of *Bolton,* and for other Purposes.

clxxiv. An Act for making a Railway from the *London, Brighton, and South Coast* Railway at *Uckfield* in the County of *Sussex* to *Tunbridge Wells* in the County of *Kent,* and for other Purposes.

clxxv. An Act for incorporating the *Stockport, Timperley, and Altrincham* Railway Company, and for authorizing them to make and maintain the *Stockport, Timperley, and Altrincham* Railway; and for other Purposes.

clxxvi. An Act for altering and amending the Constitution of the Burgh of *Hawick;* extending the Boundaries thereof; maintaining an efficient System of Police therein; improving the said Burgh; and for other Purposes.

clxxvii. An Act to enable the *Kinross-shire* Railway Company to make certain Branch Railways; and for other Purposes.

clxxviii. An Act to authorize the Construction of a Railway from the *Eastern Counties* Railway to *Saffron Walden* in *Essex.*

clxxix. An Act for enabling the *Conway and Llanrwst* Railway Company to make a Deviation and Alteration of their authorized Line of Railway; and for other Purposes.

clxxx. An Act to grant further Powers to the *East Suffolk* Railway Company; to authorize certain Arrangements with respect to their Share Capital; and to amend the Acts relating to the Company.

clxxxi. An Act for making Railways from *Aberystwith* to various Places in the Counties of *Cardigan, Montgomery, Merioneth,* and *Carnarvon,* to be called "The *Aberystwith and Welsh Coast* Railways," and for other Purposes.

clxxxii. An Act for making a Railway from *Bishop Stortford* through *Dunmow* to *Braintree,* with a Branch therefrom, and for other Purposes.

clxxxiii. An Act to enable the *Cleveland* Railway Company to extend their Railway from *Guisbrough* to the River *Tees,* with Branches connected with that Extension, and to make certain Deviations in the authorized Line of their Railway; to confer certain Powers with reference to other Undertakings; to amend the

Act relating to the *Cleveland* Railway; and for other Purposes.

clxxxiv. An Act to enable the *Forest of Dean Central* Railway Company to construct further Works; and for other Purposes connected with their Undertaking.

clxxxv. An Act to amend the *Hatfield Chase* Warping and Improvement Act, 1854.

clxxxvi. An Act for making a Railway from *Forres* to *Birnam* near *Dunkeld*, with a Branch to *Aberfeldy*, to be called "The *Inverness and Perth Junction* Railway;" and for other Purposes.

clxxxvii. An Act for making a Railway to be called "The *Ludlow and Clee Hill* Railway," and for other Purposes.

clxxxviii. An Act to enable the *Mersey* Docks and Harbour Board to purchase from the Corporation of *Liverpool* the Reversion in Fee of certain Leasehold Lands of the Board at *Birkenhead;* to extend the Period for the Completion of certain Works at *Birkenhead;* and to enable the Board to improve the working of the Docks and the loading and unloading of Vessels.

clxxxix. An Act for making Railways from *Much Wenlock* to the *Shrewsbury and Hereford* Railway, and a Railway from the *Much Wenlock and Severn Junction* Railway into *Coalbrookdale*, with Branches and Works connected therewith; to authorize certain Arrangements with and confer certain Powers upon other Companies; and for other Purposes.

cxc. An Act for making a Railway to improve the Communication between *Salisbury* and the Southern Part of the County of *Dorset*, and for other Purposes.

cxci. An Act for conferring further Powers on the *South-eastern* Railway Company with respect to Steam Vessels; and for enabling that Company to make Byelaws for regulating the *London and Greenwich* Railway; and for amending some of the Acts relating to the *South-eastern* Railway Company with respect to the Accounts to be kept by them; and for other Purposes.

cxcii. An Act to enable the *Vale of Clwyd* Railway Company to raise additional Capital.

cxciii. An Act to enable the *Ware, Hadham, and Buntingford* Railway Company to make a Deviation in the authorized Line of their Railway; and for other Purposes.

cxciv. An Act to authorize the Construction of a Railway from *Holme* to *Ramsey* in the County of *Huntingdon*.

cxcv. An Act for making a Railway from the *Stirling and Dunfermline* Railway to the Town of *Alva*.

cxcvi. An Act to empower the *North London* Railway Company to construct a Railway from *Liverpool Street* in the City of *London* to join their existing Railway at *Kingsland;* and for other Purposes.

cxcvii. An Act for enabling the *Coleford, Monmouth, Usk, and Pontypool* Railway Company to lease their Undertaking to the *West Midland* Railway Company; and for other Purposes.

cxcviii. An Act for making a Railway from the *Glasgow, Dumbarton, and Helensburgh* Railway to *Milngavie*, and for other Purposes.

cxcix. An Act for making a Railway from *Lynn* to *Hunstanton*, all in the County of *Norfolk*.

cc. An Act to confer on the *Devon Valley* Railway Company further Powers for the Completion of their Railway; and for other Purposes.

cci. An Act to authorize the Amalgamation of the *Symington, Biggar, and Broughton* Railway Company with the *Caledonian* Railway Company; and for other Purposes.

ccii. An Act to enable the *Caledonian* Railway Company to make a Branch Railway from *Rutherglen* to *Coatbridge*, with a Branch to *Whifflat*; and for other Purposes.

cciii. An Act for making a Railway from *Cockermouth* to *Keswick* and *Penrith*, with a Branch thereout, all in the County of *Cumberland;* and for other Purposes.

cciv. An Act for enabling the *Great Western* Railway Company to make and maintain a Railway from *Lightmoor* to *Coalbrookdale;* and for other Purposes.

ccv. An Act for making a Railway from *Kirkcudbright* to *Castle Douglas*, and for other Purposes.

ccvi. An Act to amend the *Birmingham* Improvement Act, 1851, and for other Purposes.

ccvii. An Act for making a Railway from the *Cork and Bandon* Railway near the City of *Cork* to the Town of *Macroom* in the County of *Cork*.

ccviii. An Act to empower the *London and Northwestern* Railway Company to make Railways at Burton-upon-Trent; to confer additional Powers upon them with reference to Parts of their Undertaking; and for other Purposes.

ccix. An Act for extending the Periods for the Purchase of Lands and the Execution of Works for the *Somerset Central* Railway Company's authorized Railway from *Glastonbury* to *Bruton;* for authorizing the *Somerset Central* Railway Company to raise further Monies; and for other Purposes.

ccx. An Act to enable the *South Wales Mineral* Railway Company to extend their Railway to the *Briton Ferry* Docks; and for other Purposes.

ccxi. An Act for better supplying with Water the Borough of *Stockport* in the Counties of *Chester* and *Lancaster*, and the several Townships and Places adjacent or near thereto in those Counties; and for other Purposes.

ccxii. An Act for authorizing the Construction of Railways from the *Severn Valley* Railway to the *West Midland* Railway near *Kidderminster*, and the leasing of the *Wellington and Severn Junction* Railway by the *Great Western* and *West Midland* Railway Companies, and for other Purposes.

ccxiii. An Act for making a Railway from the *West Midland* Railway at *Bransford Bridge* in the County of *Worcester* to the *Shrewsbury and Hereford* Railway near *Leominster* in the County of *Hereford*, and for other Purposes.

ccxiv. An Act to enable the *Edinburgh, Perth, and Dundee* Railway Company to make Byelaws for their Piers, Basins, and Works at *Ferry-port-on-Craig* and *Broughty*, and the Ferry between *Ferry-port-on-Craig* and *Broughty;* vest the *Burntisland and Granton* Ferry in the Company; to construct Siding Accommodations and Works for Supply of Water; to amalgamate the *Kinross-shire* Railway with their Undertaking; and for other Purposes.

ccxv. An Act to repeal and consolidate the several Acts relating to the *Cornwall* Railway Company; to empower them to make a Deviation Railway; to extend the Time for Completion of Parts of their Railway; and for other Purposes.

ccxvi. An Act for granting further Powers to the *Victoria Docks* Gas Company.

ccxvii. An Act for authorizing the *Llanelly* Railway and Dock Company to make and maintain additional Lines of Railway, and to raise further Monies; and for other Purposes.

ccxviii. An Act for authorizing the *Monmouthshire* Railway and Canal Company to make and maintain new Lines of Railway and Deviations, and to acquire other Railways, and for authorizing them to raise additional Capital; and for other Purposes.

ccxix. An Act for authorizing a Lease or Sale of the Railway of the *Saint George's* Harbour Company to the *London and North-western* Railway Company; and for reducing and regulating the Capital of the *Saint George's* Harbour Company; and for other Purposes.

ccxx. An Act for making a Railway between the *London and South-western* Railway at or near to that Railway at *Saint Denis* near *Southampton*, and the Military Hospital at *Netley*, and for other Purposes.

ccxxi. An Act for extending the *Stourbridge* Railway to the *Birmingham, Wolverhampton, and Stour Valley* Railway at *Smethwick*, and for making a Branch Railway in connexion with the *Stourbridge* Railway; and for authorizing Arrangements with other Companies; and for other Purposes.

ccxxii. An Act to enable the *Swansea* Harbour Trustees to raise a further Sum of Money for the Purposes of their Undertaking.

ccxxiii. An Act for making a Railway from the *Oswestry and Newtown* Railway at *Oswestry* to the *London and North-western* Railway at *Whitchurch* in the County of *Salop*, and for other Purposes.

ccxxiv. An Act to extend and deviate a Portion of the *Petersfield* Railway.

ccxxv. An Act to enable the Society or Partnership called "The *Westminster* Society for Insurance of Lives and Survivorships and for granting Annuities" to make Provision for satisfying the Liabilities and Engagements of the said Society or Partnership; to confirm an Agreement entered into between the said Society or Partnership and the Society or Partnership called "The *Guardian* Fire and Life Assurance Company;" to dissolve the said *Westminster* Society; and to authorize the Distribution among the Members thereof of so much of the Capital of the said *Westminster* Society as shall not be required for the Purpose of satisfying the Liabilities and Engagements thereof.

ccxxvi. An Act to amalgamate the *West of Fife Mineral* Railway Company and the *Charleston* Railway and Harbour Company.

ccxxvii. An Act for authorizing the *Rumney* Railway Company to alter the Line and Levels of their existing Railway, and to make and maintain new Railways in connexion therewith; and for other Purposes.

ccxxviii. An Act to enable the *Caledonian* Railway Company to make a Branch Railway from their *Lesmahagow* Line to *Cot Castle* near *Stonehouse*; to extend the *Southfield* Branch of that Line; to enlarge their Station at *Symington*; and for other Purposes.

ccxxix. An Act to enable the *Caledonian* Railway Company to extend their *Cleland* Branch to *Morningside*, and to make Branch Railways to *Omoa* Iron Works, to *Drumbowie*, and to *Lanridge*, all in the County of *Lanark*.

ccxxx. An Act to enable the *Forth and Clyde Junction* Railway Company to make a Branch Railway to *Dalmonach* Printworks in the County of *Dumbarton*, and to create additional Shares; and for other Purposes.

ccxxxi. An Act to enable the *Eastern Counties* Railway Company to make new Lines of Railway; and for other Purposes.

ccxxxii. An Act to enable the *Kilkenny Junction* Railway Company to abandon the Portion of their authorized Line between *Abbeyleix* and *Mountrath*, and instead thereof to make new Lines to the *Maryborough* Station and to the *Roscrea* Junction on the *Great Southern and Western* Railway; and for other Purposes.

ccxxxiii. An Act for extending the *Metropolitan* Railway from *Smithfield* to *Finsbury Circus*; to authorize Arrangements with other Companies; to amend the Acts relating to the *Metropolitan* Railway; and for other Purposes.

ccxxxiv. An Act for increasing the Capital of and conferring further Powers on the *West London Extension* Railway Company; and for other Purposes.

ccxxxv. An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to make certain new Lines of Railway; and for other Purposes.

ccxxxvi. An Act for establishing a separate system of Pilotage for the several Ports of *Cardiff*, *Newport*, and *Gloucester*, in the *Bristol Channel*.

ccxxxvii. An Act to increase the Capital of the *Colne Valley and Halstead* Railway Company, and for other Purposes.

ccxxxviii. An Act for providing and constructing Markets, Market Places, and Slaughterhouses, with all necessary Conveniences, within the Parishes of *Saint Mary* and *Saint Bridget* in the City of *Dublin*.

ccxxxix. An Act to authorize a Lease of the *Margate* Railway to the *London, Chatham, and Dover* Railway Company, and for other Purposes.

ccxl. An Act to enable the *London, Chatham, and Dover* Railway Company to make certain Deviations and Junction Lines of Railway; and for other Purposes.

ccxli. An Act to enable the *Margate* Railway Company to extend their Railway to *Ramsgate*; to change their Name; and for other Purposes connected with their Undertaking.

ccxlii. An Act to authorize the Construction in the County of *Glamorgan* of a Railway from the *Vale of Neath* Railway to the *South Wales* Railway at *Swansea*, to be called "The *Swansea and Neath* Railway."

ccxliii. An Act for making a Railway to connect *Chard* and *Taunton* in the County of *Somerset*, and for other Purposes.

ccxliv. An Act to regulate the mutual Facilities to be afforded to Traffic by the *West Hartlepool* Harbour and Railway Company and by the *Stockton and Darlington, South Durham and Lancashire Union*, and *Eden Valley* Railway Companies; to give further Powers to the *West Hartlepool* Harbour and Railway Company with reference to the Management of their Docks and Works; and for other Purposes.

ccxlv. An Act to authorize the Construction of a Railway from the *East Anglian* Railways at *Lynn* to the *Norwich and Spalding* Railway at *Sutton Bridge*, and for other Purposes.

ccxlvi. An Act for making Railways from *Clara* to *Meelick* in the *King's County, Ireland*, and for building a Bridge across the *Shannon* at *Meelick*.

ccxlvii. An Act for making a Railway from the *Mold* Branch of the *Chester and Holyhead* Railway at *Mold* to the *Vale of Clwyd* Railway, to be called "The *Mold and Denbigh Junction* Railway;" and for other Purposes.

ccxlviii. An Act for making a Railway from *Lennoxtown of Campsie* to *Strathblane*, with a Branch to *Lettermill* in the County of *Stirling*, and for other Purposes.

ccxlix. An Act to enable the *West Hartlepool* Harbour and Railway Company to raise further Money; to amend the Acts relating to the Company; and for other Purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to incorporate the Trustees of "The *Atkinson Institution* of *Glasgow*," acting under the Will of *Thomas Atkinson*, Bookseller and Stationer, of *Glasgow*, deceased, and to enlarge the Powers of such Trustees, the better to enable them to carry out the benevolent Designs of the said Testator.
2. An Act to extend the Powers of Leasing contained in the Will of the Right Honourable *John Savile Lumley Savile* Earl of *Scarbrough* deceased, with respect to certain Estates in the County of *York*, thereby devised, and therein called the *Savile York* Estates; and for other Purposes; and of which the Short Title is "*Savile* Estate (Leasing) Act, 1861."
3. An Act for authorizing the Application for the Maintenance and Benefit of the Children of Sir *Beresford Burston M'Mahon* Baronet of certain Monies by the Will of Sir *William M'Mahon* Baronet, deceased, directed to be accumulated during the Life of Sir *Beresford Burston M'Mahon*.
4. An Act to authorize the Most Noble *George Granville William* Duke and Earl of *Sutherland* and *Anne* Duchess of *Sutherland* to disentail the Estate of *Cromarty*, and to grant a new Entail thereof.
5. An Act to enable the Trustees of the Will of the late Sir *William Fowle Fowle Middleton* to carry into effect certain Contracts affecting his Estates in *London* and *Middlesex*.
6. An Act for the Amendment of an Act of the Parliament of *Ireland* of the Session of the 19th and 20th Years of *George* the Third, incorporating the Trustees of the Hospital founded by *George Simpson* Esquire, and for confirming Leases granted by the Trustees.
7. An Act for confirming Leases granted by Sir *Richard Godin Simeon* Baronet, deceased, and Sir *John Simeon* Baronet, respectively, of Parts of the *Saint John's* Estate in the Parish of *Saint Helens* in the *Isle of Wight*; and for other Purposes; and of which the Short Title is "Sir *John Simeon's* Leasing Act, 1861."
8. An Act to simplify certain of the Trusts and Provisions in the Settlements of the *Vane Tempest* Estates, and for other Purposes connected therewith.
9. An Act to authorize the granting of Building and Repairing Leases of Parts of the Estates devised and bequeathed by the Will of the Right Honourable *George* Earl of *Egremont* deceased, or become subject to the Trusts thereof; and for other Purposes.
10. An Act for enabling Trustees to raise Money on Mortgage of the *Hemsworth* Estates in the Counties of *Suffolk* and *Norfolk*, and for giving Powers of Sale and Exchange over the same Estates.

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IN THE THIRD SESSION OF

THE EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM,

24° & 25° VICTORIA,

1861.

EXPLANATION OF THE ABBREVIATIONS.

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☞ When in the Text or in the Index a Speech is marked thus*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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164] *Educational and Scientific Branches*, 69; Amend. (Mr. Scully), 82; Amend. withdrawn, 84, Vote agreed to; *Rewards for Military Services*, 87; *General Officers*, 88; *Reduced and Retired Officers*, 89; *Pensions to Widows*, 89; *Pensions for Wounds*, 89; *Chelsea and Kilmainham Hospitals*, 91; *Out-Pensioners of Chelsea Hospital, &c.*, 91; *Superannuation and Retired Allowances*, 91; *Excess of Army Expenditure*, 1686; Amend. (Sir H. Willoughby), *ib.*, [A. 45, N. 52, M. 7] 1690, Vote agreed to; *Disembodied Militia*, 1690; *Volunteers*, 1691

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